

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1996

AGENDA / MINUTES
OF THE MEETING OF THE
COUNCIL OF THE CORPORATION
OF THE CITY OF HAMILTON

MAY 28, 1996 ...

URBAN/MUNICIPAL

CAY ON HBL A05

A31

1996



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**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 May 28
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz,
City Clerk**

URBAN MUNICIPAL

MAY 28 1996

AGENDA

1. National Anthem.

**2. Opening Prayer: Rabbi Israel Silverman
Beth Jacob Synagogue**

3. Presentations:

**SESQUICENTENNIAL PROVINCIAL AWARDS RECOGNITION
TO TRANSWAY BASKETBALL**

MINOR BANTAM PROVINCIAL AAA CHAMPIONS

BANTAM PROVINCIAL AAA CHAMPIONS

JUVENILE AA PROVINCIAL CHAMPIONS

4. Adoption of the minutes of the meeting held 1996 May 14

5. Correspondence/Petitions

6. Reports of the Standing Committees:

- (b) Parks and Recreation Committee**
- (c) Planning and Development Committee**
- (d) Finance and Administration Committee**
- (e) Nominating Committee**

7. Notice of Motion for next meeting.

8. Question Period.

9. Adjournment.

GOVERNMENT DOCUMENTS

1909

1909

MINUTES

Minutes of Hamilton City Council
Tuesday, 1996 May 14
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Major Garnett Cassell, Salvation Army Family Services led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 April 30 were adopted as circulated.

PRESENTATIONS

Rick Campanella of the City of Hamilton Civic Employees Charity Committee presented a cheque to the United Way. In attendance from the United Way were John Fitzpatrick, 1996 Campaign Chairman of the United Way and Barry English, Interim Chief Executive Officer and in attendance from the Hamilton Civic Employees Charity Committee were Gail Hampson, Information Systems Department and Christina McManus, Parking Authority.

* * * * *

John Fitzpatrick, 1996 Campaign Chairman of the United Way presented a Bronze Award to the Hamilton Civic Employees Charity Fund.

* * * * *

Mayor R. Morrow introduced Ryan Paquette and Irene Stayshyn, Co-Chairs for the Shawinigan, Quebec Sesquicentennial Project. The Co-Chairs outlined this project where 150 families from Shawinigan will be visiting Hamilton host families on June 29th to July 1 to celebrate Hamilton's Sesquicentennial Birthday Celebration.

CORRESPONDENCE

1. Letter dated 1996 May 7 from R. Scott Smith, Secretary to the Board of Commissioners, Hamilton Harbour Commissioners respecting the Financial Statements of the Hamilton Harbour Commissioners for the year ended December 31, 1995.

Received.

2. Letter dated 1996 May 10 from Mr. Ronald Barr, Executive Director, Community and Government Relations, Gould Outdoor Advertising respecting the Third Party Sign By-law which is being considered in the Planning and Development Committee Report.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SEVENTH REPORT

Section 3 Re: Removal of Trees - 1445 Main Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross -16.

NAYS: Alderman Kiss. -1.

CARRIED.

* * * * *

Section 19 Re: Hamilton Street Railway - Bus Stop

It was moved by Alderman Kiss and seconded by Alderman Merling that Section 19 of the Seventh Report of the Transport and Environment Committee be amended by adding the following after the word "installed" in the second line of subsection (a) "on a trial basis:".

CARRIED.

* * * * *

Section 29 Re: Rule No. 9 - One Time Limit Exemption Permit - 81-83 Gibson Avenue

It was moved by Alderman Merling and seconded by Alderman Agro that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the One Time Limit Exemption Permit to each dwelling unit of the Apartment Building at 81-83 Gibson Avenue.

CARRIED.

* * * * *

Section 29 Re: One Time Limit Exemption Permit - 81-83 Gibson Avenue

It was moved by Alderman Merling and seconded by Alderman Drury that the following be added as Section 29 of the Seventh Report of the Transport and Environment Committee for 1996:

29. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, one time limit exemption permit to each dwelling unit of the apartment building at 81-83 Gibson Avenue and any additional permits (to a maximum of 15) on a first-come first-served basis. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - EIGHTH REPORT

Section 1 Re: Appendix "B" - 11-23 Courtland Avenue

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 1 of the Eighth Report of the Planning and Development Committee be amended by deleting Appendix "B" and replacing it with the following attached hereto. **CARRIED.**

* * * * *

Section 3 Re: City Initiative CI-96-D - Third Party/Billboard Signs

It was moved by Alderman Drury and seconded by Alderman Caplan that Section 3 of the Eighth Report of the Planning and Development Committee by adding the following as Section (c):

- (c) that ongoing input from the public and the sign industry be sought by staff. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - TENTH REPORT

Section 20 Re: Copps Coliseum - 101 York Boulevard - The Society of Management Accountants of Canada

It was moved by Alderman Charters and seconded by Alderman Jackson that Section 20 of the Tenth Report for 1996 of the Finance and Administration Committee be amended to insert the following words after the word Committee in the fourth line of sub-section (a):

"...respecting an amendment to the lease for part of Copps Coliseum, 101 York Boulevard, to The Society of Management Accountants of Canada,..." **CARRIED.**

Section 24 Re: Street Vending location

It was moved by Alderman Charters and seconded by Alderman Jackson that Section 24 of the Tenth Report of the Finance and Administration Committee respecting a Street Vending location be referred back. **CARRIED.**

* * * * *

Section 29 Re: Rule No. 9 - Health Action Task Force Report

It was moved by Alderman Merling and seconded by Alderman Charters that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting the Health Action Task Force Report. **CARRIED.**

* * * * *

Section 29 Re: Health Action Task Force Report

It was moved by Alderman Merling and seconded by Alderman Charters that the following be added as Section 29 of the Tenth Report for 1996 of the Finance and Administration Committee:

29. In light of the Health Action Task Force Report, and

Since the City and Region conditionally supported the CEO's Academic Health Care Network Report,

and

Further, in response to the concerns of Doctors on behalf of their patients in the East End, on the Mountain, in Stoney Creek and beyond the southerly limits of Hamilton,

THAT the CEO's position be amended to include that Henderson Hospital be maintained as an Acute Care Facility.

Recorded vote

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Cops, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

* * * * *

Section 30 Re: Health Action Task Force

It was moved by Mayor Morrow and seconded by Alderman Morelli that the following be added as Section 30 of the Tenth Report of the Finance and Administration Committee:

30. That City Council seek standing before the Health Action Task Force on behalf of the citizens of the City of Hamilton. **CARRIED.**

RESOLUTIONS

Rule No. 9 - Resolution respecting "Family Style" Fireworks Display

It was moved by Alderman Caplan and seconded by Alderman Kiss that Rule No. 9 of the City's Procedural By-law No. 95-167, be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the Family Style Fireworks Display - Kirkendall Recreation Association. **CARRIED.**

* * * * *

Resolution respecting "Family Style" Fireworks Display

It was moved by Alderman Caplan and seconded by Alderman Kiss that approval, as required by Part 2 Section 8 and Section 11 of the Fireworks By-law 90-198, be given to the Kirkendall Recreation Association and Hands Fireworks Inc. to hold a "Family Style" Fireworks Display on city property, known as Highland Gardens (Reservoir Park), located on Hillcrest and Mountain Avenue on 1996, May 20, subject to the following terms and conditions:

- (i) That proof of \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton prior to the event.

- (ii) That the Kirkendall Recreation Association and Hands Fireworks Inc. agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display.
 - (iii) That the Kirkendall Recreation Association and Hands Fireworks Inc. comply with all sections of the Fireworks By-law 90-198."
- CARRIED.**

* * * * *

Re: Reconsideration of Grant - Ottawa Street Y.W.C.A. resolution

It was moved by Alderman Wilson and seconded by Alderman Copps that the following resolution considered and not adopted by the Committee of the Whole at its meeting held February 27, 1996 be reconsidered.

"That a grant in the amount of \$50,000 be made to the Ottawa Street Y.W.C.A. to cover increased program costs."

CARRIED.

* * * * *

Re: Consideration of Grant - Ottawa Street Y.W.C.A. - Referral

It was moved by Alderman Wilson and seconded by Alderman Copps that the following resolution considered and not adopted by the Committee of the Whole at its meeting held February 27, 1996 be referred to the Parks and Recreation Committee.

"That a grant in the amount of \$50,000 be made to the Ottawa Street Y.W.C.A. to cover increased program costs."

CARRIED.

NOTICE OF MOTION FROM PREVIOUS MEETING - APRIL 30, 1996
--

It was moved by Alderman Agro and seconded by Alderman McCulloch that:

WHEREAS the revitalization of Hamilton's Downtown Core is critical to the well being and prosperity of the entire region of Hamilton Wentworth; and,

WHEREAS "residential development" in the Downtown Core is fundamental to any improvement and revitalization of the Downtown; and,

WHEREAS, virtually every study and every opinion expressed on revitalizing the Downtown have clearly pointed to the lack of residential development in the Downtown as being at the very root of it's problems,

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton waive all residential development charges in the area bounded by Queen, Cannon, Victoria and Hunter Streets for a 3 year period.
- (b) That the Region of Hamilton-Wentworth be requested to review it's development charges respecting the application of residential charges in the Downtown Core, that area outlined in section (a) with the intent of imposing no development charges in this area.

* * * * *

Resolution respecting residential development

It was moved by Alderman D'Amico and seconded by Alderman Charters that the following be added as sub-section (c) to the motion respecting residential development in the downtown core:

- (c) That 5% land dedication, building permit fees and parking requirements for new residential developments be forwarded to the Finance and Administration Committee and the Planning and Development Committee for financial consideration of eliminating those fees as a catalyst for downtown redevelopment. **CARRIED.**

* * * * *

Resolution as amended.

It was moved by Alderman Agro and seconded by Alderman McCulloch that:

WHEREAS the revitalization of Hamilton's Downtown Core is critical to the well being and prosperity of the entire region of Hamilton Wentworth; and,

WHEREAS "residential development" in the Downtown Core is fundamental to any improvement and revitalization of the Downtown; and,

WHEREAS, virtually every study and every opinion expressed on revitalizing the Downtown have clearly pointed to the lack of residential development in the Downtown as being at the very root of it's problems,

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton waive all residential development charges in the area bounded by Queen, Cannon, Victoria and Hunter Streets for a 3 year period.
- (b) That the Region of Hamilton-Wentworth be requested to review it's development charges respecting the application of residential charges in the Downtown Core, that area outlined in section (a) with the intent of imposing no development charges in this area.
- (c) That 5% land dedication, building permit fees and parking requirements for new residential developments be forwarded to the Finance and Administration Committee and the Planning and Development Committee for financial consideration of eliminating those fees as a catalyst for downtown redevelopment. **CARRIED.**

<p>ADOPTING THE REPORTS OF THE COMMITTEE OF THE WHOLE</p>
--

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 May 14
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter/Petition dated 1996 May 16 from Sanford Battery Manufacturing Limited Re: parking meters on the north side of Hunter Street between John and James Street

Recommendation: Be Referred to the Transport and Environment Committee.

2. Facsimile dated 1996 May 22 from Ann Louise Vick, Secretary of the Hamilton Signals Association Re: Bus Shelters in the immediate area of the Cenotaph.

Recommendation: Be Referred to the Transport and Environment Committee.

3. Letter dated 1996 May 22 from Mary L. Gallagher, Legislative Assistant, Regional Clerk's Office for the Regional Municipality of Hamilton-Wentworth respecting Regulation of Second Level Lodging Homes.

Recommendation: Be Referred to the Finance and Administration Committee.

4. Application dated 1996 May 22 from Luatta Harrington, Don Mills, Ontario for a modification to the established "HH" (Restricted Community Shopping and Commercial etc.) District for 1051 Upper James Street, Hamilton, Ontario.

Recommendation: Be Received.

SANFORD BAT

MANUFACTURING LIMITED

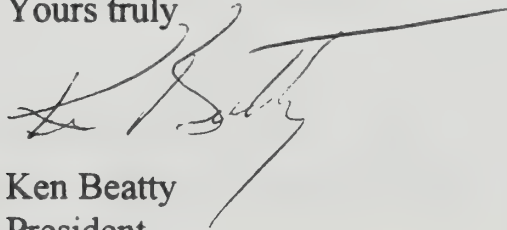
May 16, 1996

Mayor Robert Morrow and members of City Council

Recently, I took the opportunity to leave the enclosed petition at one location in the YMCA for a period of twenty four hours. As you can see from the signatures obtained in this short period of time, many people are concerned with the decision to change the parking meters on the north side of Hunter Street between John and James to fifteen minutes from sixty minutes.

I feel perhaps reconsideration of the decision should be undertaken with a view to changing the meters back to sixty minutes for the benefit of those who use numerous facilities in the area.

Yours truly



Ken Beatty
President

City of Hamilton

definite advantage for the membership.

2.



P.O. BOX 60513
HAMILTON, ONT.
L9C 7N7

May 22, 1996.

City Clerks Office
City Hall
Hamilton, Ontario.
L8N 3T4.
Fax 546-2095.

RE: PROPOSED BUS SHELTERS.

The Hamilton Signals Association greatly protests the proposal of bus shelters in the immediate area of the Cenotaph.

The proposterous notion of shelters is beyound all logical thought. Any structure, bus shelter or other, would greatly deplete the thoughts that the Cenotaph solicits.

The proposed shelters will block the view from the public, citizens of Hamilton and area, and visitors whom see the Cenotaph as the public memorial to all those, that died in two World Wars, Korea and Peace-keeping. To sacrifice the memory of Fallen Comrades is an injustice, indeed, a grave error in judgement on those proposing such shelters.

Sincerely

Secretary.



REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Clerk

Robert C. Prowse, Clerk
Michael A. Rallo, Deputy Clerk

May 22, 1996

Mr. J. Schatz, Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz:

**Re: Health and Social Services Committee
Report 10-96, Item 8**

Subjoined, please find Item 8 of Report 10-96 of the Health and Social Services Committee which was approved by Regional Council at its meeting held on Tuesday, May 21, 1996.


8. Regulation of Second Level Lodging Homes by the Regional Municipality of Hamilton-Wentworth (HEA 96-062/SOC 96-102)

- a) That a task force be established, consisting of municipal CAO's, elected representatives from Hamilton, Stoney Creek, Dundas and Flamborough and senior staff from Regional Public Health, Legal and Community Services Departments;
- b) That the terms of reference include evaluation of the relative merits of the collection of \$50 per bed in lodging homes by municipalities as compared to the zoning, legal, financial and staffing issues which would result from a Regional Second Level Lodging Home By-law;

- c) That the Town of Ancaster and the Township of Glanbrook be advised of this process and given the option of participating should they so desire;
- d) That this process be completed within six months, and at completion, staff report back to Health and Social Services Committee;
- e) That Councillor D. Wilson serve on the Task Force. **Item 3.11**

I refer you specifically to subsections a) and b) which require consideration by your Council. Your assistance in ensuring that this report is brought before the elected officials for their consideration is appreciated.

Yours truly,


Mary L. Gallagher
Legislative Assistant

Attachment

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SEVENTH** Report for 1996 and respectfully recommends:

1. That the Director of Culture and Recreation be authorized to apply for a "Reading the Museums" grant through the Canadian Museums Association for the production of a grounds tour brochure for Dundurn and Harvey Parks.
2. That the By-laws and Constitution of the Friends of the Hamilton Children's Museum adopted by City Council on 1992 August 25, attached hereto and marked as Appendix "A," be approved as amended.
3. That the Director of Culture and Recreation be authorized to apply for a grant under the Federal Department of Employment and Immigration Section 25 Programme to request the following positions for a period of up to 52 weeks at no cost to the City:
 - (a) Museums Assistant, Exhibit Preparator - The Children's Museum;
and,
 - (b) Museum Collections Assistants (4) - Whitehern and The Hamilton
Museum of Steam and
Technology
4.
 - (a) That up to \$600. be used from the Hamilton Children's Museum's Trust Account No. CH5X999 00403 for the purchase of a camera and television monitor set for exhibit purposes at the Hamilton Children's Museum; and,
 - (b) That an acknowledgement sign recognizing the donation of \$600. from the East Hamilton Optimist Club for the purchase of a camera and television monitor set be erected at the Hamilton Children's Museum.

5. That the Director of Culture and Recreation be authorized to apply to the Federal Department of Canadian Heritage for two positions (Historical Gardening Assistants) under the Young Canada Works programme for a period of eight (8) weeks at no cost to the City.
6. (a) That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126, be given to the Director of Culture and Recreation to contract Hands Fireworks Inc. to provide a fireworks display on 1996 July 1, subject to the following terms and conditions:
 - (i) That the Hands Fireworks Inc. licensed fireworks company be hired to produce and fire a high level fireworks display; and,
 - (ii) That Hands Fireworks Inc. provide proof of \$5 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the Corporation of the City of Hamilton as co-insured with a cross liability endorsement; and,
 - (iii) That Hands Fireworks Inc. enter into a Licensing Agreement satisfactory to the City Solicitor; and,
 - (iv) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (v) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee; and,
 - (vi) That the Hamilton Harbour Commission be notified and their regulations be adhered to; and,
 - (vii) That the Department of Public Works and Traffic - Street Vendors' Program at Bayfront and Pier 4 Parks be allowed to remain open throughout the event as per the contract; and,
- (b) That approval be granted to the City of Hamilton to contract The Umbrella Food Services Group Inc. to barbecue and sell food and beverages during the July 1st Canada Day Celebrations in Bayfront and Pier 4 Parks on 1996 July 1.

- (c) That 25 per cent of the gross sales from the concession be deposited to the First Night Hamilton Celebrations account to assist with the fundraising of the event.
7. (a) That approval be given to Big Time Productions to host the annual "Music in the City Series" during July and August in the following parks on the dates listed below and subject to the following terms and conditions:
- 1996 July 5 through August 31
Friday and Saturdays 11:30 o'clock a.m. to 1:30 o'clock p.m., Gore Park
- 1996 July 7 through August 25
Sundays 2:00 o'clock p.m. to 4:00 o'clock p.m., Sam Lawrence Park
- 1996 June 16, July 19 and August 14
12 o'clock noon to 2:00 o'clock p.m., Whitehern Gardens; and,
- (i) That proof of insurance be provided in the amount of \$2 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assumes responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That a Special Duty Officer, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (iv) That Big Time Productions enters into a Licence Agreement satisfactory to the City Solicitor; and,
 - (v) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to committee; and,
- (b) That the City co-sponsor the "Music in the City Series" by waiving the park permit fees of \$1,300. for the dates listed in Sub-section (a).
8. That approval be granted to Big "A" Amusement Ltd. to hold a Fundraising Carnival event for the Queenston Parent/Child Drop In Centre on 1996 July 3 to July 7 from 12:00 o'clock noon to 11:00 o'clock p.m., in Parkdale Park, subject to the following terms and conditions:

- (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event (i.e. set-up, clean-up, dismantling, etc.); and,
 - (c) That the terms and conditions be reviewed and monitored by the Special Events/Festivals Advisory Team; and,
 - (d) A site plan of park to be submitted thirty days prior to event.
9. That approval as required be Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126, be given to Sesquicentennial Celebrations Inc. and Hands Fireworks Inc. to hold a fireworks display on a barge on 1996 July 12 in conjunction with Aquafest Festival, subject to the following terms and conditions:
- (a) That the Hands Fireworks Inc. licensed fireworks company produce and fire a high level fireworks display; and,
 - (b) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (c) That Sesquicentennial Celebrations Inc. and Hands Fireworks Inc. enter into a Licensing Agreement satisfactory to the City Solicitor; and,
 - (d) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (e) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee; and,
 - (f) That the Hamilton Harbour Commission be notified and their regulations be adhered to.

10.
 - (a) That the agreement between the Corporation of the City of Hamilton and Ruth Hrycko (formerly Stefan), to operate the Food and Drink Concession at Globe Park and Gage Park be extended to 1996 September 30, deleting the operation at Gage Park; and,
 - (b) That the terms and conditions of the prior agreement remain in effect; and,
 - (c) That the City Solicitor be authorized and directed to have prepared and executed the necessary document; and,
 - (d) That the Director of Culture and Recreation be directed to undertake a review of the operation of the concession prior to the 1997 Operating Season.
11. That approval as required by Parks By-law No. 95-126, Section 11 be given to the Caribbean Canadian African Community to sell alcoholic beverages on the occasion of their festival on 1996 August 17 and August 18 in Bayfront Park from 12:00 o'clock noon to 11:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That proof of the following insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That all requirements as identified by the Liquor License Board of Ontario are met; and,
 - (c) That alcoholic beverages (beer and wine only) be served in a confined area; and,
 - (d) That organizers and their workers who are providing alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program"; and,
 - (e) That the event organizers enter into a License Agreement satisfactory to the City Solicitor; and,
 - (f) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,

- (g) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
- (h) That a site map, be submitted 30 days prior to the event; and,
- (i) That the Public Works Departments Street Vendors Program at Bayfront and Pier 4 Parks be allowed to remain open throughout the event; and,
- (j) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

12. That approval, as required by Section 11 Parks By-Law No. 95-126, be given to the organizations as follows:

- (i) Wentworth Adult Mixed Slo-Pitch League - 1996 July 26, July 27 and July 28 - Globe Park; and,
- (ii) Parents Without Partners - Chapter 73 - 1996 July 27, July 28, - Turner Park

to sell alcoholic beverages in those locations and on the dates specified subject to the following terms and conditions:

- (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
- (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
- (c) That alcoholic beverages be served in a confined and fenced area of the Park; and,
- (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
- (e) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,

- (f) That the Concessionaire at Globe Park (if applicable) be contacted to make the necessary arrangements for the provision of food at that location; and,
 - (g) That the organizers and their workers who are providing alcoholic beverages be encouraged to participate, in server intervention training.
13. That approval as required by Parks By-law No. 95-126, Section 23, be given to Sesquicentennial Celebrations Inc. and Big V Drug Stores to tether a hot air balloon, on the occasion of the Amazing Big V Neighbourhood Picnics, 1996 June 9 from 9:00 o'clock a.m. to 6:00 o'clock p.m. be subject to the following terms and conditions:
- (a) That proof of insurance satisfactory to the City Solicitor be provided for Comprehensive General Liability, Property Damage, Bodily Injury, subject to a cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc); and,
 - (c) That a Special Duty Officer, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (d) That Sesquicentennial Celebrations Inc. and Big V Drug Stores enter into a Licence Agreement satisfactory to the City Solicitor; and,
 - (e) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
14. (a) That approval as required by Parks By-law No. 95-126, Section 11 be given to the North End Children's Centre to sell alcoholic beverages in Eastwood Arena from 12:00 o'clock noon to 10:00 o'clock p.m.; and,
- (b) That approval be granted to North End Children's Centre to locate carnival rides in the south-east corner of Eastwood Park on the occasion of the Rainbow Festival held 1996 July 6 and July 7, subject to the following terms and conditions:

- (i) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages be served in the confined area of the arena ice surface with a maximum of 100 seats; and,
 - (iv) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (v) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (vi) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event.
15. That approval as required by Parks By-law No. 95-126, Section 35 and Section 37 be given to Barton General BIA to bring horses and animals into a park on the occasion of the Father's Day - Kid's Day in the Park to be held 1996 June 15 subject to the following terms and conditions:
- (a) That proof of insurance be provided in the amount of \$2 million for Comprehensive General Liability, Property Damage, Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

16. (a) That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126, be given to the Ontario Parks Association Conference Committee to hold a Fireworks Display for the purpose of a training workshop, held at the Public Works Chedoke Yard on 1996 July 17; and,
- (b) That approval for a two minute low level display of Family Fireworks to be held at Pier 8 on 1996 July 18 at 10:45 o'clock p.m., subject to the following terms and conditions:
 - (i) That the Ontario Parks Association Conference Committee use a qualified Fireworks Supervisor to light the fireworks display; and,
 - (ii) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (iii) That Ontario Parks Association Conference Committee comply with all sections of By-law No. 90-198; and,
 - (iv) That the Ontario Parks Association Conference Committee agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display.
17. That staff be authorized to solicit for advertisers in the Fall/Winter Program Guide 1996-97 at the rates listed below:

Profit Organizations:

Full Page	\$1,200.
One Half Page	\$ 650.
One Quarter Page	\$ 350.
One Eighth Page	\$ 200.
Business Card	\$ 100.
Business Listing	\$ 50.

Non Profit Community Groups:

Full Page	\$ 650.
One Half Page	\$ 350.
One Quarter Page	\$ 200.
One Eighth Page	\$ 100.
Business Card	\$ 50.

Community Association

Listings	\$ 5.
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18. That approval as required by Section 17 (1) and Section 26 of the Fireworks By-law No. 90-198 and Section 11 of the Parks By-law No. 95-126, be given to St. Anthony's Feast Committee to hold a low-level Fireworks Display and serve alcoholic beverages at Ivor Wynne Stadium on 1996 June 16, in conjunction with the annual Feast Celebrations, subject to the following terms and conditions:
- (a) That St. Anthony's Feast Committee use a qualified Fireworks Supervisor to light the fireworks display; and,
 - (b) That the St. Anthony's Feast Committee comply with the City of Hamilton Guideline for Special Events - Ivor Wynne Stadium; and,
 - (c) That the St. Anthony's Feast Committee assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (d) That proof of \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, and including Liquor Liability, subject to cross-liability and severability provisions, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton at least 20 days prior to the 1996 June 16; and,
 - (e) That the St. Anthony's Feast Committee comply with all sections of Fireworks By-law No. 90-198 and Parks By-law No. 95-126; and,
 - (f) That the St. Anthony's Feast Committee adhere to the regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcoholic beverages; and,
 - (g) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (h) That the St. Anthony's Feast Committee agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display; and,
 - (i) That St. Anthony's Feast Committee enter into a Licensing Agreement satisfactory to the City Solicitor.

19. That the five (5) existing Bikeways Feature Map Signs located at Harvey Park, Beach Boulevard, Tecumseh Street, Gage Park and Churchill Park be replaced with new sign frames and updated Bikeways maps mounted on the signs at a cost of \$10,000. to be funded from Bike Paths/Playscapes - Phase II Account No. CF6287 43001.
20. That a purchase order be issued to Graybar Electric (Ontario) Ltd., Hamilton, in the amount of \$150,000., for the supply and delivery of light fixtures and poles as and when required during 1996 for various parks and streets being the lowest of five tenders received in accordance with specifications C15-9-96 issued by the Purchasing Division and Vendor's tender and be financed from Stock Account No. CH56197 60999.
21. That the ball diamond permit fees for the Hamilton Olde Sports Association to use Turner Park baseball diamonds be reduced from \$1,760. to a flat fee of \$900. for the 1996 Baseball Season.
22. That a purchase order be issued to Romic Enterprises for a total amount of \$34,620. plus applicable taxes for the supply of electronic cash registers at Culture and Recreation facilities within the City, being the lowest of five (5) tenders received and that this expenditure be financed from the Reserve for System Improvements for the Culture and Recreation Department, Account No. 00130.
23. That the Director of Culture and Recreation and the City Solicitor be authorized to enter into negotiations with the Friends of Gage Park Committee to occupy the Concession building at Gage Park for the purposes of operating a food, drink and souvenir concession.
24. (a) That the Director of Culture and Recreation be denied authorization to renegotiate the contracts, satisfactory to the City Solicitor, with the Concessionaires to permit the sale of alcohol from halfway houses during the 1996 Golf Season on a trial basis in accordance with Provincial statutes and on the understanding that the City of Hamilton will be cross-insured and indemnified by the Concessionaires; and,

(b) That based on Sub-section (a) the Director of Culture and Recreation not be required to report back to the Committee by year end on the results of this initiative.
25. That approval be given to the Bay Area Restoration Council to erect signs at Harvey Park and Bayfront Park which will contain a large print of the Bay Area Access Map.

26. (a) That the revised "Bocci Court Construction and Maintenance - Policies and Procedures (1996)", attached as Appendix "B" be adopted; and,
 - (b) That the \$50,000. available in 1996 for Bocci Court development be allocated to the following projects: Victoria Park - \$9,000., Templemead Park - \$11,000., Trieste Bocci - \$11,000., Father Sean O'Sullivan Park (Fred Lombardo Bocci) - \$9,000., Sam Manson Park - \$900., and St. Agnes Park - \$9,100.
27. (a) That approval be granted to develop the T.B. McQuesten Park on Upper Wentworth Street as a Community Park based on an estimated capital cost of \$1.72 million funded from Account No. CF 629254005 (T.B. McQuesten Park Development); and,
 - (b) That an open house meeting be held through the offices of the Ward Aldermen to receive public input and finalize the plan, and
 - (c) That staff report back to the Parks and Recreation Committee on Sub-section (b).
28. That the amount of \$58,179. be paid to Shedaco Holdings Limited to purchase that company's parkland credit balance of 2,140.51 square metres (0.5289 acres), provided that Shedaco Holdings Limited execute a release in a form satisfactory to the City Solicitor. The cost is to be charged to Account No. CH5X306 00201 (Reserve for Parklands).
29. (a) That approval be given to enter into a contract with STF Construction Ltd, 148 Stapleton Avenue, Hamilton as the General Contractor for the Dundurn Castle Phase II, Stables, Conference Centre and Restaurant Conversion. The Contract amount will be Six Hundred and Forty Nine Thousand and Nine Hundred and Thirty Five (649,935.) plus applicable GST to a total of Six Hundred and Ninety Five Thousand and Four Hundred and Thirty (\$695,430.); and,
 - (b) That the work be financed from Account Nos. CF 719441022 (Dundurn Castle Phase II, available balance \$530,000.) and CF 329341009 (Barrier Free, Recreation Buildings, \$75,000. designated for Dundurn Castle); and,
 - (c) That funds in the amount of \$57,275. which were allocated in 1996 in Major Maintenance budget, Property Department, for re-roofing of the original billiard room and bowling alley of the 1870 wing in Dundurn Castle, be transferred From Account No. CF 319641023 (Building Operations and Maintenance) to Account No. CF 719441022 (Dundurn Castle Phase II) to coordinate the reroofing with the conversion of the stables building; and,

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- (d) That staff be authorized to begin post-tender addenda negotiations in an effort to reduce the construction cost by investigating alternatives in materials and methods with the General Contractor, and report back to Committee; and,
 - (e) That staff be authorized to carry a project contingency of \$ 13,203. including GST (the remaining funds in the capital account) and other savings resulting from Sub-section (d), to be spent for unforeseen circumstances as authorized by the Director of the Culture and Recreation; and,
 - (f) That a contract satisfactory to the City Solicitor be entered into between the City and the General Contractor; and,
 - (g) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.
30. (a) That the revised Park Expenditure Policies as outlined in Appendix "C" attached hereto, be adopted; and,
- (b) That the Parks Staff Committee be directed to investigate new zoning districts for parks.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1996 May 21

FRIENDS OF THE HAMILTON CHILDREN'S MUSEUM

BY-LAWS

I. MEMBERSHIP

A. There shall be seven (7) categories of membership in the Friends:

1. Family - available to families upon an annual fee of \$20.00. This entitles members to participate in the activities of the Friends and provide free admission to the museum for their children.
2. Individual Adult - upon payment of an annual fee of \$10.00, available to adults who wish to be members of the Friends, but do not use the museum.
3. Caregivers - upon payment of an annual fee of \$30.00, available to those who generally care for children in their own home. This entitles them to free admission for up to 5 children per visit, Tuesday to Friday advance bookings only.
4. Honourary Membership - available to individuals who may be proposed by members of the Friends, in writing, to the Executive for consideration. Recommendations for Honourary Membership shall be brought, by the Executive, before a General Meeting of the Friends for approval by vote.
5. Sustaining - any person(s) making an annual contribution of \$20.00, or more, beyond the cost of their membership, shall be designated a sustaining member. Tax receipts will be issued according to Section II, Finances.
6. Corporate Sponsor - upon a donation of \$100.00 or more, any organization or corporation shall be designated a corporate sponsor. Tax receipts will be issued according to Section II, Finances.
7. Corporate Friend - any organization or corporation providing goods and services with a value of \$25.00 or more, or regular discounts, to Friends of the Hamilton Children's Museum, shall be designated a Corporate Friend.

* All categories of membership shall be entitled to advance notice of special events and activities, discounts on merchandise of the Friends (upon presentation of membership card), and representation at general meetings of the Friends of the Hamilton Children's Museum.

- B. Financial contributions - from members shall be recognized after payment of the appropriate annual dues. Additional financial donations beyond the membership fee are welcome.
- C. All memberships are for a 12 month period from the date of issuance. Membership fees are due within 30 days of expiry.
- D. All categories of membership in Section A above shall be entitled to full voting privileges of one vote per membership.
- E. A member of the Friends may resign at any time, but no refund of fees shall be made.
- F. Memberships are non-transferable.

II. FINANCES

A. Friends' Account

- 1. The Friends shall be financially self-supporting. Operating funds for the Friends are to be generated from membership dues, contributions specified by the donor for operating expenses, and other fundraising ventures undertaken by the Friends.
- 2. Operating funds for the Friends shall be kept in a bank account separate from The Children's Museum Trust Account (see below).
- 3. i) Expenditures, over \$20.00, from the Friends' Account shall require the appropriate signing authorities, as in III D 3.
 - ii) No expenditures or financial commitments, over \$100.00, shall be made by any member of the Executive, without the prior approval of a quorum of the Executive.
 - iii) All expenditures shall be accompanied by an invoice or receipt.
- 4. As free admission is one of the benefits of family and caregiver memberships, the museum shall be reimbursed \$10.00, from each family and \$15.00 from each caregiver membership sold, to cover a fee for admission.

B. Trust Account

- 1. An accurate record shall be kept of all monies received by the Friends in accordance with generally accepted accounting principles.

2. Donations given to the Friends in excess of the membership fee and not specified for operating expenses of the Friends shall be deposited in the Trust Account.
3. i) Donations of \$20.00 or more to the Children's Museum Trust Account shall be issued tax receipts by the Corporation of the City of Hamilton.
ii) Income tax receipts cannot be issued for membership fees and operating expense donations to the Friends.
4. Expenditures from the Trust Account must have prior approval from the Friends of the Hamilton Children's Museum, the Hamilton Historical Board and Parks and Recreation Committee.
5. All deposits to The Hamilton Children's Trust Account will be made by the Curator.
6. Expenditures from the Trust Account, with prior approval from the committees as mentioned in B 1, will be the responsibility of City staff.

C. Fiscal Year

1. The fiscal year shall be January 1 to December 31. An annual financial statement shall be submitted to the next Annual General Meeting for approval and, once approved, to the Hamilton Historical Board.

D. Operations

1. The Executive, in co-operation with staff, shall prepare an Annual Work Plan and Budget for approval by the Membership, at the general meeting, and subsequently, by the Hamilton Historical Board and Parks and Recreation Committee.
2. Financial Reports - shall be approved monthly by the Executive. Quarterly reports shall be approved by the Hamilton Historical Board and Parks and Recreation Committee, and a full Financial Statement written annually to the Friends for presentation at the general meeting.

- E. 1. The President, Treasurer and Vice-President shall have signing authority for all cheques written on the Operating Account of the Friends of the Children's Museum. Two signatures, one which must be the Treasurer, are required for all cheques.

III DUTIES OF OFFICERS OF THE FRIENDS

- A. PRESIDENT: is the Chief Executive Officer of the Friends and shall preside at all meetings. The President shall report annually on the activities of the Friends at the Annual General Meeting, and may appoint members to committees and delegates not otherwise provided for in the By-laws. The President is an ex-officio member of all committees. The President shall have co-signing authority with the Treasurer for all cheques issued by the Friends.
- B. VICE-PRESIDENT: shall also have signing authority with the Treasurer for all cheques issued by the Friends and shall assume the duties of the President in the event of the absence, incapacity or resignation of the President, and shall assist the President in preparing the Work Plan for the Executive and subsequent approval by the membership.
- C. SECRETARY
1. shall keep the Minutes of meetings of the Friends, and co-ordinate mailings, as required.
- D. TREASURER
1. shall be responsible for the safe-keeping of operating monies, and shall prepare regular monthly reports for the Executive; quarterly reports for the Hamilton Historical Board; and an annual financial statement for the Friends.
 2. The Treasurer shall deposit all operating monies received into a bank account approved by the Executive and turn over all monies for the Trust Account to the Curator of the Hamilton Children's Museum.
 3. Monies for operating expenses shall be paid out by numbered cheques signed by the Treasurer and the President and/or Vice-President. The Treasurer shall obtain the approval of the Executive Committee for all disbursements in excess of \$100.00.
 4. The Treasurer shall assist the President and Vice-President in preparing the Budget for the Work Plan.
- E. PAST PRESIDENT - shall attend all meetings of the Executive and assist the President in learning their role and responsibilities, and shall chair the Nominating Committee, and wherever possible assist in carrying out the current activities of the Executive.

- F. MEMBERS AT LARGE - shall attend all meetings of the Executive Committee and all General meetings and shall assume roles and responsibilities agreed upon by the Executive and/or by the Membership at general meeting.

Note: In the event that a Member of the Executive is unable to complete their term of office the Executive Committee shall, by majority vote, select an interim replacement to assume the duties for the remainder of the term.

G. STAFF

1. The Curator or designate of the Hamilton Children's Museum will act as an ex-officio, non-voting member of the Friends, and its committees of the Friends and provide information and guidance on City and Museum policies and procedures. The Curator, or designate may attend regular meetings of the Executive and General Meetings of the Membership.
 2. The Manager of Cultural Services or designate, an ex-officio, non-voting member of the Friends, shall assist the Executive of the Friends by providing information and guidance at the Departmental and Municipal level. Where necessary, the Manager may assist the Executive in providing administrative assistance.
- H. Hamilton Historical Board Representative - shall attend all meetings of the executive committee and act as a liaison with the Hamilton Historical Board.

IV MEETINGS

- A. GENERAL MEETING - of the Friends, of which there shall be at least one in every calendar year, shall be held on dates and in places to be determined by the Executive Committee.
- B. THE ANNUAL GENERAL MEETING - of the Friends shall be held in the month of April each year, unless otherwise designated by the Executive Committee.
- C. NOTICE OF MEETING - will be mailed to all members at least thirty (30) days in advance (where possible) of each special, general or annual meeting of the Friends.
- D. A QUORUM - shall be reached when 10% of all voting members, in good standing 30 days prior to any meeting, are present for that meeting requiring the attendance of the general membership of the Friends.
- E. MEETING OF THE EXECUTIVE - regular meetings shall be at a time and place agreed upon by the majority of the Executive Committee. The majority of voting

executive members present shall constitute a quorum. Special meetings, including committee meetings, shall be at the call of the President or their designated chair. In all cases the President or Chair shall cast the deciding vote in the event of a tie.

- F. In between regular meetings, the Officers of the Friends shall carry out the business of the Friends, as specified in the Work Plan.

V COMMITTEES

- A. The Friends shall have the following Standing Committees:

1. EXECUTIVE COMMITTEE - consisting of 12 officers which would be the President, Past President, Vice-President, Secretary, Treasurer, Hamilton Historical Board representative, and 6 members at large (portfolios could include newsletter editor, community liaison, etc.).

Responsible for:

- setting the date, time, and place of all meetings of the general membership and for preparing the Agenda of any such meeting, and
- recommending amendments and revisions to the Constitution and By-laws at the Annual General Meeting,
- carrying out the Objectives and Work Plan approved by the Friends,
- appointing members to Ad Hoc or Standing Committees, Chairs of committees will normally be drawn from members of the Executive Committee.

2. MEMBERSHIP COMMITTEE - The committee is responsible for working with other committees to encourage new members to join the Friends. Working in co-operation with museum staff to maintain an up-to-date list of members and their respective categories, the Chair shall report regularly to the Executive and annually, in writing to the Friends. Membership in this committee may include individuals from the general membership.

3. NOMINATING COMMITTEE - This committee, chaired by the Past-President, is responsible for making nominations for Officers to present at the Annual General Meeting. Individuals from the general membership may also be nominated from the floor at the Annual General Meeting.

4. OTHER STANDING COMMITTEES may be established at the Annual General Meeting by vote. Proposals must be written and may be made either by the Executive Committee or by member in good standing to the Executive Committee at least 30 days prior to the Annual Meeting.

- B. AD HOC COMMITTEES may be established by the Executive at any time, as the need arises.
- C. All Committees shall report to each meeting of the general membership, with the exception of the Nominating Committee. All Committees shall report monthly to the Executive Committee.

Revised 1996 March 13

Appendix "B" as referred to in
Section 26 of the Seventh Report
of the Parks and Recreation
Committee for 1996

**BOCCI COURT CONSTRUCTION AND MAINTENANCE
POLICIES AND PROCEDURES**

(May 1996)

- Policy:** That the development and after-care maintenance of bocci court facilities be administered and undertaken by the Parks Division of the Department of Public Works and Traffic.
- Procedure:** The proponent group/association shall initiate discussions with the Parks Division relative to the development or improvements to Bocci Court facilities. Dependent upon budgetary constraints, development of new facilities/enhancements to existing facilities will be scheduled on a first come first serve basis and construction may proceed where funding is available. Staff will convene a meeting following the approval of the capital budget to which all associations would be invited to discuss the allocations of funds amongst the associations.
- Parks Division staff will co-ordinate meetings between the individual associations as required to discuss the detail plans for proposed developments/improvements.
- The bocci associations shall undertake to maintain the bocci courts including weeding, litter pick-up, court levelling, using material provided by the City, i.e. maglime, litter containers, rakes and shovels.
- Policy:** That the proponent user groups/associations be required to cost share in the construction of ancillary items and additional courts (beyond the basic components provided by the City) in the amount of 25% proponent group/75% City, subject to availability of funding and based on requests and agreed to by affected parties.
- Procedure:** Based on the design details agreed upon by the proponent user groups/associations and City staff, all construction will be undertaken by the Parks Division. The proponent group will be provided with a written quotation from the City prior to proceeding with the construction. As per City policy, the proponent group will be required to forward their portion of the cost to the City prior to work proceeding.
- Policy:** That the construction of permanent storage buildings, meeting rooms, washrooms, and sun shelters are beyond the funding level and are therefore subject to submission as individual capital projects.
- Procedure:** Since the development of permanent structures are estimated to cost above \$50,000. per site and beyond the funding level of this program, a separate capital funding request subject to the capital budget procedure is required. The Department of Culture & Recreation, in consultation with the Parks Division, shall co-ordinate and make the necessary submissions for this additional funding.
- Policy:** That wherever possible the development of new bocci court facilities be limited to municipally owned park locations, pursuant to the approved 1991 edition of the Parks Expenditure Policies.
- Procedures:** To overcome jurisdictional conflicts relative to maintenance, liability, programming and ownership, the use of Board of Education property for park related purposes other than passive activity should be limited. City staff will work closely with the proponent user group to identify alternate park locations and select a preferred site to the material satisfaction of all parties.

WJP/ps

Appendix "C" as referred to in Section 30 of the Seventh Report of the Parks and Recreation for 1996

PARK EXPENDITURE POLICIES

Introduction:

The purpose of this document is to outline the City of Hamilton's policies for the acquisition, sale and development of parkland. This document includes policies for the financing of park acquisition; the means for determining park needs and deficiencies; the establishment of acquisition priorities; the sale of surplus parkland; and the development of parks.

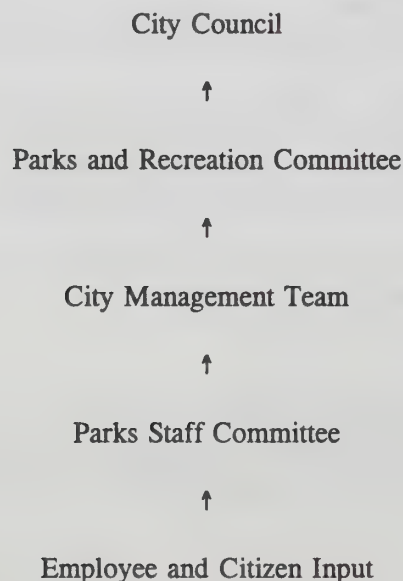
This is the fourth update of the Park Expenditure Policies since being adopted by Council. A substantial review has been undertaken of the funding and acquisition priorities for parks in the City of Hamilton. New policies have been established to ensure that the City's funding and acquisition of parks balance the availability of funds with the community priorities for parkland acquisition.

Background:

This document has been prepared by the members of the Parks Staff Committee (staff from the Departments of Culture and Recreation, Planning and Development, Public Works and Traffic, Property and Treasury) with input from the Capital Budget Sub-Committee.

Within the guidelines of the Park Expenditure Policies, the Parks Staff Committee reviews proposed neighbourhood plans, priorities for improvement areas, acquisition and sale of park properties, park development projects and parks related studies. With park expenditure matters crossing the mandate of many departments and Committees of Council, the multi-disciplinary representation on this committee ensures a broad based perspective when forwarding recommendations to Council.

Parks Staff Committee - Reporting Structure



This document provides the background information and policies required to manage park expenditures. For convenience, expenditure matters and the resultant policies have been documented under the following categories.

1. Funding for Parks
2. Identifying Park Needs and Deficiencies for Neighbourhoods
3. Parkland Acquisition Priorities and Sale of Surplus Parkland
4. Park Development

FUNDING FOR PARKS

Purpose:

The City of Hamilton funds parkland acquisition in three ways: through the 5% parkland dedication fund; through the City's Capital Budget; and through Development Charges. Each funding source is described in the following sections.

5% Parkland Dedication

Residential developers are required to dedicate 5% of the land in each development area, for parks purposes or cash-in-lieu of land dedication. This dedication scheme ensures an adequate parkland base in each newly developed Neighbourhood. In the 1950's, Hamilton embarked on a bold programme of assembling parkland at the centre of many of the undeveloped neighbourhoods on the mountain. Today, the City is benefiting from these actions as developing neighbourhoods generally have sufficient parkland and residential developers pay cash-in-lieu to the City.

These funds are transferred into the 5% Park Dedication Fund and are used primarily for expenditures on parkland acquisition in areas which are deficient according to City Standards. These funds, according to the Planning Act, may also be used for the development and maintenance of parkland and for other matters relating to parks such as studies and master plans.

Capital Budget

Hamilton City Council has established an annual capital budget parkland acquisition budget in the amount of one million dollars. These funds are used, along with the other funding sources for parkland, for acquisition of identified parkland.

Development Charges

Development Charges are, in essence, a similar programme to the 5% Park Dedication. Both programmes charge a fee for development and while the 5% Park Dedication is 100% park and recreation oriented only a portion of the Development Charges are intended for parks purposes.

The first Development Charges By-law for the City of Hamilton was established in 1989. Under that By-law, approximately \$900,000 was collected for park purposes. In September of 1995, Hamilton City Council adopted the new Development Charges By-law as an update of the initial Development Charges Study was completed. The new Development Charges By-law established a contribution for parkland purposes for residential development.

Policies:

1. (New) That Capital Funds in the Parkland Reserve Capital Budget which are not expended in one fiscal year be carried into a reserve for parkland available for expenditure in subsequent years.
 - *The availability of property for acquisition for parks purposes varies by year. Carrying over the unexpended capital funds from year to year will ensure that the park funds are available for acquisition when properties are available for purchase.*
 - *Implementation: Parks Staff Committee and Treasury Department*
2. That the prime directive for managing the parkland funds is to ensure that sufficient monies are available for acquiring parkland such that the long range acquisition programme for attaining the City's standards for park space in each neighbourhood keeps pace with the development of new neighbourhoods.
 - *In order to achieve this directive, the funding levels available for the subordinate activities which draw upon this fund, such as development, and other park related matters, must be monitored annually and will remain dependent upon maintaining sufficient funds for acquisition.*
 - *Implementation: Parks Staff Committee*
3. That the 5% Fund be compensated, at current market value, through direct payment or by means of a credit system, when established parklands are used for the development of non-recreational public facilities within park boundaries.
 - *This programme of balancing payments for the loss of parkland through non- recreational facility development recognizes the value of greenspace and is essential to maintaining the funds necessary for sustaining a desired inventory of parkland. The benefits include an ability to replace City greenspace lost to non- recreational facility development and to lessen the attraction which parkland often has for non recreational facility development. This attraction is due to the notion that using City owned parkland for non recreational facility sites results in a cost savings to the Citizens of Hamilton.*
 - *Implementation: Property Department*
4. That the City not use the 5% Fund for parkland maintenance.
 - *Parkland maintenance funding is advanced through the current budget system. Requests for increases in maintenance funds resulting from new park developments are forwarded simultaneously with the development proposal funding request.*

This action advises Council of the maintenance implications prior to capital development initiation.

- *Implementation: Parks Staff Committee*

5. That money from the 5% Fund be used, when approved by Council, for funding park related studies.

- *Funding park and recreation related studies from the 5% Fund has been approved in past years, such as the Park and Open Space Master Plan. Additional studies may be required to complement existing research, towards the need and location for future major facilities.*

- *Implementation: Parks Staff Committee*

6. That the 5% Fund, the Capital Budget, and the Development Charges for Parkland be used for parks which are designated for neighbourhood, community, or City-wide use and that expenditures on parks of a regional significance, be funded from other sources, preferably a Regional or Provincial Agency.

- *The 5% Fund cannot be stretched to include parks of Regional significance and it is appropriate that the municipal tax base or a Regional or Provincial Authority be responsible for acquisition and development of such parks.*

- *Implementation: Parks Staff Committee*

7. That revenues realized from the sales of City-owned land designated for park and open space be paid back into the 5% Fund.

- *Past expenditures on parks should be channelled back into parks when parkland is no longer needed.*

- *Implementation: Parks Staff Committee, Property and Treasury Departments*

8. That, for the purpose of implementing Provincial subsidy programmes and maximizing allocations, applications will be made yearly to the Ministry of Municipal Affairs for the next priority neighbourhood/Community Improvement Project Area.

- *The City's Capital Budget has made provisions for community improvement project areas. Application for provincial funding will offset the City's cost for parkland development under these programs.*

- *Implementation: Public Works and Traffic Department*

IDENTIFYING PARK NEEDS AND PARK DEFICIENCIES

Purpose:

The intent of this section is to establish the process the City uses for determining parkland needs for each of Hamilton's Neighbourhoods. Parkland needs are determined from the standards set out in Section C.1.1 of the City's Official Plan and are based on neighbourhood population. These standards are applied on a neighbourhood basis. The parkland needs for each neighbourhood are determined for neighbourhood and community parks only; City-wide parks and Metropolitan parks serve a broad area beyond the local community and have not been included in the calculations of needs and deficiencies. The following table is extracted from the City's Official Plan and is the basis for the standards used in determining parkland area requirements for each neighbourhood.

<u>PARKLAND HIERARCHY</u>	<u>PARKLAND OBJECTIVE 1,000 POPULATION SERVED (HECTARES)</u>	<u>SERVICE RADIUS OBJECTIVE (KILOMETRES)</u>
Neighbourhood Park	Not less than 0.5	Not more than 0.8
Community Park	Not less than 0.5	Not more than 1.6
City-wide Park	Not less than 1.9	No maximum
Metropolitan Park	No minimum	No maximum
	Total	
	2.9+	

The City's Official Plan also provides for reduction in the required parkland for the following mitigating circumstances:

- the neighbourhood and community parks are combined (20% reduction in required parkland);
- the neighbourhood/community park is adjacent to a school with a grassed area (up to 20% reduction in required parkland);
- surplus school property in the neighbourhood (as determined by Policy C.1.1.2 of the City of Hamilton Official Plan) will be used to reduce the required parkland;
- open space within the neighbourhood or adjoining neighbourhood will reduce the required parkland (5-10% depending on the amount of open space);
- the availability of large-scale park facilities in the neighbourhood or adjoining neighbourhoods will reduce the required parkland (reduction depends on proximity to large-scale park - 5-20% reduction).

Parkland deficiencies are determined by subtracting the existing/proposed parkland from the parkland need. The complete list of required parkland and the parkland deficiencies can be found in Appendix "A" of this report.

Policies:

1. (New) That the parkland needs and deficiencies be reviewed every three years when the municipal assessment population figures are released.
 - *Implementation: Parks Staff Committee*
2. That parkland be designated in neighbourhood plans having regard for the City Official Plan standards.
 - *This will assist the City in fulfilling a parkland acquisition programme pursuant to Official Plan standards throughout the City.*
 - *Implementation: Planning and Development Department*
3. (New) That newly created and revised neighbourhood plans include recommendations for the establishment of necessary capital budget funding for the acquisition and development of the designated parkland.
 - *This policy will ensure that adequate funding is available through the Capital Budget for the acquisition and development of parks in new/revised neighbourhood plans.*
 - *Implementation: Planning and Development Department*

PARKLAND ACQUISITION AND SALE OF SURPLUS PARKLAND

Purpose:

These policies form the guidelines for managing the acquisition and sale of lands towards achieving the City's standards in parkland.

The acquisition of parkland is the most essential element in guaranteeing the future access of Hamilton's citizens to open space. The provision of parkland/open space is fundamental in the quality of life for the residents of this City and as a result, land acquisition is represented as the major priority in park expenditures.

Background:

The review of parkland needs and deficiencies has shown that there are thirty-nine neighbourhoods in the City of Hamilton with deficiencies in required parkland. In reviewing these neighbourhoods and the parkland deficiencies, four categories of acquisition priorities for neighbourhoods have been established. A fifth category has also been established which addresses acquisitions which have not been previously identified but which Council determines should be acquired for public purposes.

The following are the acquisition priorities, by category, with an explanation of each.

- Priority "A": Those neighbourhoods for which there is a Council approved neighbourhood plan identifying land for acquisition for parks purposes.
- Priority "B": Those neighbourhoods for which there is an identified deficiency in parkland (greater than one hectare in size); there is either no neighbourhood plan or no land identified for acquisition on the approved neighbourhood plan.
- Priority "C": Those neighbourhoods for which the parkland deficiency is less than one hectare in size. The lifecycle of a neighbourhood influences the population (on which the parkland standard is based). In general, as young families with children move in, the population rises. As the children age and move out, the population decreases. The historical review of population trends in neighbourhoods shows that the decline in population, through the lifecycle, is up to 1,000 persons. The lifecycle changes imply that those neighbourhoods that are within 1.0 hectares (for 1,000 persons) of their parkland standard are generally meeting the City's standards.
- Priority "D": Those properties which are currently used for City park purposes but are not owned by the City.
- Priority "E": Those properties/buildings which, in the opinion of Council, are worthy of acquisition for public park purposes.

Priority Lists "A" through "D" are found in Appendix B, along with the estimated cost of acquisition.

Policies:

1. (New) Parkland acquisitions will be recommended to Council from the priority lists with the Priority "A" list being the highest priority.
 - *Implementation:* *Parks Staff Committee*
2. (New) The City will actively pursue acquisition of those lands on the Priority "A" list.
 - *The properties designated for acquisition on the Priority "A" list represent those properties designated on neighbourhood plans for park purposes. The Priority "A" list includes those properties that will complete the implementation of the parks policies of the respective neighbourhood plans. Active pursuit of these properties for acquisition will finalize the park development for the neighbourhood; in the longer term, the City will be able to focus on other neighbourhoods for parkland acquisition.*
 - *Implementation:* *Parks Staff Committee*
3. (New) The City will acquire land designated for park purposes on the approved neighbourhood plan.
 - *The neighbourhood plans adopted by Hamilton City Council establish the location and area of parks within a neighbourhood. Neighbourhood plans are prepared with extensive public consultation and input; they represent the consensus of the community on land use. Accordingly, those lands designated for park purposes on neighbourhood plans should be the acquisition for parkland within a given neighbourhood.*
 - *Implementation:* *Parks Staff Committee*
4. (New) Priority "D" acquisitions shall be brought forward to Council for a decision on whether or not the City should purchase the property when the agency which owns the property declares the property surplus.
 - *Acquisition priorities may change depending on the circumstances surrounding individual properties. Where an acquisition that is not on the Priority "A" list is available for purchase, a review of the implications of purchasing the property vis-a-vis opportunities for purchase of other priority properties will be completed. The recommendation to Council on acquisition will review the implications of such purchases.*
 - *Implementation:* *Parks Staff Committee*

5. (New) It is recognized that neighbourhoods with combined community and neighbourhood parks may have fulfilled the requirements of the Official Plan in terms of required parkland. However, in those instances where there is no neighbourhood component to the combined park, and no opportunity to provide neighbourhood park facilities in the combined park, opportunities for land acquisition to provide neighbourhood park facilities will be examined.
- *It is the City's practice to combine neighbourhood and community park facilities to allow a broader range of park and recreational facilities to be provided for the community. However, it must be recognized that some of these combined parks do not address the neighbourhood park programming needs (e.g. passive park component, play structures for younger children). In order to ensure that neighbourhood park facilities can be safely provided within a neighbourhood, the combined park will be evaluated to determine whether the neighbourhood component can be addressed. Only in those instances where the neighbourhood component cannot be safely provided in the combined park will other opportunities for providing a neighbourhood park be examined.*
 - *Implementation: Parks Staff Committee*
6. That the City sell areas of land acquired for parks purposes if after intensive review there is deemed to be no further need for the land for parks or other municipal purposes.
- *The sale of City lands acquired for parks, but no longer needed for parks, will release capital for other parks expenditures. The Parks and Recreation Committee will consider possible sales.*
 - *Implementation: Parks Staff Committee and the Property Department*
7. School land used for parks purposes shall be limited to passive, open space, wherever possible, and that joint use guidelines be developed by the Parks Staff Committee in conjunction with the Public and Separate School Boards to ensure mutually beneficial relationships. The City and the respective School Board shall enter into a written agreement in regards to these lands.
- *This will reduce the amount of physical development, ie. play structures, sports fields, undertaken on Board of Education property, thus minimizing jurisdictional conflicts associated with maintenance, liability, programming.*
 - *Implementation: Parks Staff Committee*
8. Wherever possible, properties that are acquired, but not yet needed for park purposes, should be used to their maximum potential. Houses should be leased out unless the condition of the property does not merit fixing, in which case the property should be demolished. Buildings including residential, commercial and industrial sites should be leased on a short-term basis.

- *This is good business management, prevents the area from deteriorating and provides affordable housing and business space.*
- *Implementation: Property Department*

PARK DEVELOPMENT

Purpose:

The intent of these policies is in part, to provide the guidelines within which parkland development can proceed in a coordinated fashion.

Background:

Parkland development is divided into two basic categories: new park development and park re-development projects. The demand for new park development is fairly consistent with the pace of new residential development within the City. As new neighbourhoods develop, residents require access to greenspace lands for active and passive recreation. The demand for safe play areas is acute during the construction of new neighbourhoods. Park re-development becomes necessary as parks become older and outdated. Changing trends and preferences, as well as changes in demographics and the inevitable fatigue in park amenities all lead to the need for park re-development projects.

Policies

1. That park development and re-development projects be funded on a priority basis taking into account the classification of the site, according to the following table.

Parkland Development and Re-development Funding Priority - by classification

First Priority	Neighbourhood Parks, Parkettes
Second Priority	Community Parks
Third Priority	City-wide Parks

- *Park Development at the neighbourhood level is a first priority due to the significant role within this City of the neighbourhood park. These sites are first and foremost in meeting the needs of Hamilton's citizens for recreational greenspace.*
- *Implementation: Public Works and Traffic Department*

2. (New) Park development and re-development projects shall incorporate public input into the planning process only after funding has been approved for implementation within the following one to three year period.

- *Public input during the planning of park development projects is a necessity. Encouraging the communication of public concerns and ideas and a reflection of this input in the park development proposals can have positive results in the outcome of any development project.*

- *Through the office of the Ward Aldermen, the formation of Neighbourhood Park Committees should be encouraged for all neighbourhood park new developments to facilitate the input of public concerns.*

Public input towards Community and City level park development and re-development projects should be encouraged in a fashion which reflects the interests of the residents of the City "at large."

- *Implementation: Public Works and Traffic and Culture and Recreation Departments at the request of the Ward Aldermen.*

3. Each recommendation for park development or redevelopment shall include a statement of the relevant maintenance costs be forwarded for inclusion in the current budget.

- *This policy will ensure that the full maintenance implications of each park development project are known when decisions to develop each park are made and that the financial amendments are then reflected in the appropriate current budget account.*

- *Implementation: Public Works and Traffic Department*

4. That vacant, undeveloped parks be seeded and maintained.

- *Vacant sites to be used for parks in the future can become an eyesore and degrade a neighbourhood. Seeding, which is not costly and improves appearance, provides an area which can be used. The maintenance costs may be little more than continually clearing debris from the site. Complaints from neighbours are less likely.*

- *Implementation: Public Works and Traffic Department*

5. (New) For the dedication of parkland, the area shall be graded to a grading plan prepared by the City, covered with six (6) inches of shredded topsoil and seeded as a condition of draft subdivision approval. Water, storm/sanitary sewer and hydro services be brought to the property boundary and stubbed for future park development.

- *Implementation: Planning and Development and Public Works and Traffic Departments*

6. A ceiling shall be placed upon park development project funding from the 5% park dedication fund as follows:

- A. An annual limit of \$200,000.00 for play equipment.

- B. An annual limit of \$1,200,000.00 for overall park development and re-development.
- C. (New) A maximum limit of \$300,000.00 be established per park site for development or redevelopment.
- *These funding levels are subordinate to the need to fund parkland acquisitions.*
 - *Funding for development, in excess of this amount will jeopardize the fiscal management programme for the 5% Fund and therefore, should be forwarded through the capital budget process using funds outside of the 5% fund.*
 - *Implementation: Parks Staff Committee, Culture and Recreation and Public Works and Traffic Departments*

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APPENDIX "A"

SUMMARY OF PARK DEFICIENCIES (ha)

Ward	Neighbourhood	Pop. (1994)	Exist.	Req.	1	2	3	4	5	6	Shortfall
1	Ainslie Wood	555	4.29	0.56	--	--	--	--	--	--	0
	Ainslie Wood East*	2924	2.14	2.92	--	--	--	--	--	--	0
	Ainslie Wood North	770	0	0.77	No	No	No	0.04	No	No	0.73
	Ainslie Wood West	4494	0	4.49	No	No	No	0.30	No	No	4.19
	Chedoke Park A-B	4	0	0	--	--	--	--	--	--	0
	Cootes Paradise A-B*	2894	0	2.89	--	--	--	--	--	--	0
	Dundurn A-C	0	0	0	--	--	--	--	--	--	0
	Kirkendall North	5761	4.54	5.76	0.60	No	No	No	Maybe	No	0.62
	Kirkendall South	2793	5.15	2.79	--	--	--	--	--	--	0
	Strathcona	7282	21.88	7.28	--	--	--	--	--	--	0
	Westdale North	2280	2.34	2.28	--	--	--	--	--	--	0
	Westdale South*	4867	0.10	4.87	--	--	--	--	--	--	0
2	Beasley	5407	1.69	5.41	0.54	No	No	No	Maybe	No	3.18
	Central	3563	2.84	3.56	No	No	2.43	No	Maybe	Yes	0
	Corktown	6325	1.48	6.33	No	No	No	No	Yes	No	4.85
	Durand	10706	0.66	10.71	No	No	No	No	Maybe	0.54	9.51
	North End East	4101	6.30	4.10	--	--	--	--	--	--	0
	North End West*	1624	0.81	1.62	--	--	--	--	--	--	0
	Stinson	4147	1.34	4.15	No	No	No	No	No	No	2.81
3	Blakely	3036	0.11	3.04	No	No	No	No	No	0.30	2.63
	Crown Point West	6539	0.88	6.54	No	No	No	No	Maybe	0.65	5.01
	Delta West*	2123	0.16	2.12	--	--	--	--	--	--	0
	Gibson	7640	2.99	7.64	No	0.76	No	No	Maybe	No	3.89
	Industrial Sector A Keith	1404	0.73	1.40	No	No	No	No	Maybe	No	0.67
	Industrial Sector B	350	0	0.35	No	No	No	No	Maybe	No	0.35
	Industrial Sector C	313	0	0.31	No	No	No	No	Maybe	No	0.31
	Industrial Sector D	749	0.09	0.75	No	No	No	No	Yes	No	0.66
	Industrial Sector M	0	0	0	--	--	--	--	--	--	0
	Industrial Sector N	0	0	0	--	--	--	--	--	--	0
	Landsdale	8213	1.52	8.21	No	No	No	No	Limited	No	6.69
	St. Clair	2985	0.36	2.99	No	No	No	No	Maybe	No	2.63
	Stipeley	6251	2.54	6.25	0.63	No	No	No	Limited	0.31	2.77
4	Bartonville	3571	4.98	3.57	--	--	--	--	--	--	0
	Crown Point East	5295	0.70	5.30	No	No	No	0.26	Limited	0.26	4.08
	Delta East	4262	0	4.26	No	No	1.44	No	No	0.21	2.61
	Glenview East	974	6.16	0.97	--	--	--	--	--	--	0
	Glenview West	2057	0.14	2.06	No	No	1.65	0.10	No	No	0.17
	Homeside	6087	0.73	6.09	No	No	No	0.30	Limited	0.30	4.76
	Industrial Sector E McAnulty**	898	0.73	0.90	--	--	--	--	--	--	0
	Industrial Sector F	56	0	0	--	--	--	--	--	--	0
	Industrial Sector G	0	0	0	--	--	--	--	--	--	0
	Industrial Sector H	0	0	0	--	--	--	--	--	--	0
	Industrial Sector I	0	0	0	--	--	--	--	--	--	0
	Industrial Sector K	0	0	0	--	--	--	--	--	--	0
	Industrial Sector L	0	0	0	--	--	--	--	--	--	0
	McQuesten East	1102	6.94	1.10	--	--	--	--	--	--	0

SUMMARY OF PARK DEFICIENCIES (ha)

Ward	Neighbourhood	Pop. (1994)	Exist.	Req.	1	2	3	4	5	6	Shortfall
5	McQuesten West*	6087	2.32	6.09	--	--	--	--	--	--	0
	Normanhurst	3289	8.23	3.29	--	--	--	--	--	--	0
	Parkview East*	706	0	0.71	--	--	--	--	--	--	0
	Parkview West	1632	3.25	1.63	--	--	--	--	--	--	0
	Confederation Park A-B*	102	0	0.10	--	--	--	--	--	--	0
	Corman	3536	1.97	3.54	No	0.70	No	0.35	Limited	0.17	0.35
	Gershome	1900	3.02	1.90	--	--	--	--	--	--	0
	Grayside	20	0	0	--	--	--	--	--	--	0
	Greenford	1706	1.52	1.71	No	0.34	No	No	Maybe	No	0
	Hamilton Beach A-C*	1109	1.08	1.11	--	--	--	--	--	--	0
	Kentley	3999	6.09	4.00	--	--	--	--	--	--	0
	Lakely	12	0	0	--	--	--	--	--	--	0
	Lower King's Forest A-D	13	6.93	0.01	--	--	--	--	--	--	0
	Nashdale	7	0	0	--	--	--	--	--	--	0
	Red Hill	4545	2.17	4.55	No	0.22	No	0.45	No	0.45	1.26
	Riverdale East	3786	3.74	3.79	No	No	3.17	0.38	Yes	No	0
	Riverdale West	6320	5.57	6.32	0.63	No	No	0.63	No	No	0
6	Rosedale	4262	7.05	4.26	--	--	--	--	--	--	0
	Vincent	7951	3.88	7.95	1.59	No	No	0.80	Limited	No	1.68
	Albion Falls*	382	0	0.38	--	--	--	--	--	--	0
	Berrisfield	4079	5.43	4.08	--	--	--	--	--	--	0
	Broughton East	2276	0	2.28	0	0	2.69	No	Yes	No	0
	Hampton Heights	3246	2.22	3.25	No	0.32	No	No	Limited	No	0.71
	Hannon North	53	0	0	--	--	--	--	--	--	0
	Hannon South	61	0	0	--	--	--	--	--	--	0
	Hannon West	7	0	0	--	--	--	--	--	--	0
	Huntington	4891	5.46	4.89	--	--	--	--	--	--	0
	Lisgar	5300	2.30	5.30	No	0.53	0.53	No	Yes	0.53	1.41
	Macassa	2645	6.18	2.65	--	--	--	--	--	--	0
	Quinndale	4038	2.46	4.04	No	0.40	1.66	0.20	No	No	0
	Raleigh*	4691	0.33	4.69	--	--	--	--	--	--	0
	Rymal	2	0	0	--	--	--	--	--	--	0
	Sherwood	2548	0	2.55	No	No	4.18	No	No	No	0
	Sunninghill*	2334	2.28	2.33	--	--	--	--	--	--	0
	Templemead	3591	1.94	3.59	No	0.36	0.36	No	Maybe	No	0.93
	Trenholme	1428	2.90	1.43	--	--	--	--	--	--	0
	Upper King's Forest	0	0	0	--	--	--	--	--	--	0
7	Allison	1399	0.79	1.40	No	No	No	No	Maybe	0.07	0.54
	Balfour	2237	1.39	2.24	No	0.22	No	No	No	No	0.63
	Barnstown	3767	3.00	3.77	No	0.38	0.38	No	Yes	No	0.01
	Broughton West	3154	2.11	3.15	No	No	No	No	No	0.16	0.88
	Bruleville	4216	3.13	4.22	No	0.21	2.93	0.42	No	No	0
	Burkholme	3721	1.82	3.72	No	0.37	1.03	No	No	0.37	0.13
	Butler	2078	8.47	2.08	--	--	--	--	--	--	0
	Centremount	2814	3.43	2.81	--	--	--	--	--	--	0
	Chappel East	2385	1.26	2.39	No	0.24	0.24	No	Yes	0.24	0.41

SUMMARY OF PARK DEFICIENCIES (ha)

Ward	Neighbourhood	Pop. (1994)	Exist.	Req.	1	2	3	4	5	6	Shortfall
	Chappel West*	1122	0	1.12	--	--	--	--	--	--	0
	Crerar	3787	3.65	3.79	No	0.38	0.19	No	No	0.19	0
	Eastmount	4675	2.72	4.68	No	No	No	0.24	No	No	1.72
	Eleanor	4023	2.21	4.02	No	0.40	1.55	No	Yes	No	0
	Greeningdon	3637	0.20	3.64	No	No	1.52	No	No	No	1.92
	Hill Park	3121	8.11	3.12	--	--	--	--	--	--	0
	Inch Park	3955	5.04	3.96	--	--	--	--	--	--	0
	Jerome	3560	2.77	3.56	No	0.35	0.35	No	Yes	No	0.09
	Lawfield	3733	3.97	3.73	--	--	--	--	--	--	0
	Randall*	2486	2.04	2.49	--	--	--	--	--	--	0
	Rushdale*	2801	1.79	2.80	--	--	--	--	--	--	0
	Ryckmans	3841	4.64	3.84	--	--	--	--	--	--	0
	Thorner	2523	1.81	2.52	No	0.25	No	No	No	0.13	0.33
8	Bonnington	1586	0.60	1.59	No	No	No	No	No	No	0.99
	Buchanan	2595	3.49	2.60	--	--	--	--	--	--	0
	Carpenter	2963	2.18	2.96	No	0.30	0.30	No	No	0.15	0.03
	Falkirk East	2194	10.73	2.19	--	--	--	--	--	--	0
	Falkirk West	469	1.61	0.47	--	--	--	--	--	--	0
	Fessenden	3615	2.38	3.62	No	0.36	11.37	No	Maybe	No	0
	Gilbert	3374	6.39	3.37	--	--	--	--	--	--	0
	Gilkson	3616	1.68	3.62	No	0.36	2.29	No	Maybe	0.18	0
	Gourley	4998	5.58	5.00	--	--	--	--	--	--	0
	Gurnett	5051	2.49	5.05	No	0.50	No	No	No	No	2.06
	Kennedy East	865	1.19	0.87	--	--	--	--	--	--	0
	Kennedy West*	646	0	0.65	--	--	--	--	--	--	0
	Kernighan	1279	0.60	1.28	No	0.13	1.38	No	No	0.13	0
	Mewburn	904	0	0.90	No	No	1.57	No	No	0.20	0
	Mohawk*	277	0	0.28	--	--	--	--	--	--	0
	Mountview	3792	12.44	3.79	--	--	--	--	--	--	0
	Rolston	5010	9.34	0.50	--	--	--	--	--	--	0
	Sheldon*	3955	0	3.96	--	--	--	--	--	--	0
	Southam	860	1.70	0.86	--	--	--	--	--	--	0
	Westcliffe East	2691	4.07	2.69	--	--	--	--	--	--	0
	Westcliffe West*	1672	0.60	1.67	--	--	--	--	--	--	0
	Yeoville	1161	0	1.16	No	No	2.77	No	Maybe	No	0
Total											79.20

*There is sufficient park land in the vicinity to offset shortfall.

**Shortfall will be offset by park acquisition.

1 = 20% reduction if combined site for neighbourhood/community park (O.P. C.1.1.9).

2 = 20% reduction if adjacent to school with grassed area (O.P. C.1.1.10)

3 = School surplus can be applied to park shortfall. Board requirements of 0.50 ha for separate or public elementary schools and 0.25 ha for junior high and high schools per 1000 pop. (O.P. C.1.1.8).

4 = Reduction due to open space within area (O.P. C.1.1.3, vi).

5 = Opportunities for acquisition (O.P. C.1.1.3, iv).

6 = Alternate large-scale park facilities in vicinity (O.P.C.1.1.3., ix).

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APPENDIX "B"

**Priority "A" Parkland Acquisition
Neighbourhood and Community Parks**

Ward	Neighbourhood	Shortfall	Estimated Acquisition Cost (millions)
2	Durand	2 houses	\$0.3
3	Landsdale	1 house	\$0.1
3	Crown Point West	1 house	\$0.1
2	Corktown	4.7 acres	\$1.1
4	Crown Point East	6 houses	\$0.5
3	Gibson	2.23 acres	\$1.4
2	Beasley	2.13 acres	\$1.2
1	Kirkendall North	1.65 acres	<u>\$1.0</u>
Total Priority "A" Parks			<u><u>\$5.6</u></u>

**Priority "B" Parkland Acquisition
Neighbourhood and Community Parks**

Ward	Neighbourhood	Shortfall (hectares)	Estimated Acquisition Cost (millions) (Note 1)
4	Homeside	4.76	\$7.8
1	Ainslie Wood West	4.19	\$10.7
2	Stinson	3.01	\$4.2
3	Stipeley	2.77	\$4.1
3	Blakely	2.63	\$5.5
3	St. Clair	2.63	\$5.5
4	Delta East	2.61	\$5.5
6	Raleigh	2.23	\$4.7
8	Gurnett	2.00	\$0.6
7	Greeningdon	1.92	\$5.0
7	Eastmount	1.74	\$3.7
5	Vincent	1.68	\$3.7
6	Lisgar	1.41	\$3.4
5	Red Hill	<u>1.06</u>	<u>\$2.4</u>
Total Priority "B" Parks		<u>34.64</u>	<u>66.77</u>

Notes:

- 1 Calculations of land cost are based on 1994 MHREB average selling prices at typical single-family acreage densities and are exclusive of fees, demolition or expropriation.

**Priority "C" Parkland Acquisition
Neighbourhood and Community Parks**

Ward Neighbourhood		Shortfall (hectares)	Estimated Acquisition Cost (millions) (Note 1)
8	Bonnington	0.99	\$2.5
6	Templemead	0.93	\$2.2
7	Broughton West	0.88	\$0.3
3	Industrial Sector D	0.75	\$0.8
1	Ainslie Wood North	0.73	\$1.8
6	Hampton Heights	0.71	\$1.7
3	Industrial Sector A - Keith	0.67	\$0.9
7	Balfour	0.63	\$1.3
7	Allison	0.54	\$0.2
7	Chappel East	0.41	\$0.1
5	Corman	0.35	\$0.8
3	Industrial Sector B	0.35	\$0.4
7	Thomer	0.34	\$0.9
3	Industrial Sector C	0.31	\$0.3
4	Glenview West	0.17	
7	Burkholme	0.13	\$0.3
7	Carpenter	<u>0.03</u>	<u>\$0.1</u>
Total Priority "C" Parks		<u><u>8.92</u></u>	<u><u>\$14.6</u></u>

Notes:

- 1 Calculations of land cost are based on 1994 MHREB average selling prices at typical single-family acreage densities and are exclusive of fees, demolition or expropriation.

**Priority "D" Parkland Acquisition
Neighbourhood and Community Parks**

Ward	Neighbourhood	Site	Owner	Acquisition Priority	Area (hectares)	N'hood Requirements (hectares)
1	Cootes Paradise	Churchill Park	RBG	D	11.13	11.13
2	Central	Sir John A. MacDonald	Board of Education	D	3.35	2.43
4	Delta East	Delta Collegiate	Board of Education	D	2.51	1.44
4	Glenview West	Viscount Montgomery	Board of Education	D	2.68	1.65
6	Broughton East	School land	Separate School	D	3.83	2.69
6	Lisgar	St. Jean/St. Daniel	Separate School	D	6.67	0.53
6	Quinndale	C.B. Stirling	Board of Education	D	3.68	1.66
6	Sherwood	Sherwood Secondary	Board of Education	D	6.09	4.18
6	Templemead	School land	Board of Education	D	6.71	0.36
7	Barnstown	School land	Board of Education	D	3.65	0.38
7	Bruleville	Crestwood Vocational	Board of Education	D	3.99	2.93
7	Burkholme	School land	Board of Education	D	2.89	1.03
7	Chappel East	School land	Board of Education	D	3.93	0.24
7	Crerar	School land	Board of Education	D	2.43	0.19
7	Eleanor	School land	Board of Education	D	3.55	1.55
7	Greeningdon	Ridgemount	Board of Education	D	2.62	0.8
7	Greeningdon	St. Michael's	Separate School	D	2.54	0.72
7	Jerome	School land	Board of Education	D	11.13	0.35
8	Carpenter	School land	Board of Education	D	4.01	0.3
8	Fessenden	Sir Allan MacNab	Board of Education	D	12.27	11.37
8	Gilkson	School land	Board of Education	D	4.1	2.29
8	Kernighan	School land	Board of Education	D	2.02	1.38
8	Mewburn	School land	Board of Education	D	2.02	1.57
8	Westcliffe West	Holbrook Park	Chedoke Health Corp.	D	0.88	0.88
8	Yeoville	Caledon Secondary	Board of Education	D	<u>3.06</u>	<u>2.77</u>
Total "D" Priority Parks:					<u>111.74</u>	<u>54.82</u>

Notes:

*The estimated cost of acquisition of these properties is \$25 million;
this is for 54.82 hectares for neighbourhood park purposes.*

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINTH** Report for 1996 and respectfully recommends:

1. That approval be given to amended Zoning Application 96-03, The Pica Group Inc., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District for Blocks "1" & "2", shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That Blocks "1" & "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District;
 - (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 10C.(1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":
 - (1) a senior citizens multiple dwelling containing a maximum of seventy-eight (78) "housekeeping dwelling units" only within the existing building;
 - (2) a dining room only in conjunction with a senior citizens multiple dwelling;
 - (3) a hair salon only in conjunction with a senior citizens multiple dwelling;
 - (ii) That Section 10C(3) shall not apply to the existing building on Block "1";
 - (iii) Notwithstanding Section 10C(5) the gross floor area of the senior citizens multiple dwelling shall not exceed 4480.0 m² (48,223.89 S.F.) on Block "1";
 - (iv) That an amenity area having a minimum gross floor area of 518.0 m² (5,575.88 S.F.) including, but not limited to, a library, chapel, games room, bar and lounges, shall be provided and maintained for the senior citizens multiple dwelling within the existing building;

- (v) That Section 18. (4)(iv) of Zoning By-law No. 6593 shall not apply;
 - (vi) Notwithstanding Table 1 of Section 18A of Zoning By-law No. 6593, a minimum of 26 parking spaces shall be required for a senior citizens multiple dwelling containing not more than seventy-eight (78) "housekeeping dwelling units", as follows:
 - (1) a minimum of ten (10) parking spaces shall be provided and maintained on Block "1" ;
 - (2) a minimum of sixteen (16) parking spaces shall be provided and maintained on Block "2";
 - (vii) Notwithstanding Section 18A.(9), sixteen (16) of the required parking spaces for the seniors multiple dwelling shall be provided and maintained on the lot located at No. 46 Grant Avenue (Block "2");
 - (viii) Notwithstanding Section 18A.(1)(C), one (1) loading space at 9.0 m x 3.7 m x 4.3 m shall be provided and maintained for the senior citizens multiple dwelling on Block "1";
 - (ix) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1360, and that the subject lands on Zoning District Map E-13 be notated S-1360;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;
 - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (f) That the Approved Landsdale Neighbourhood Plan be amended by redesignating the subject lands from "Civic & Institutional" and "Commercial & Apartments" to "Medium Density Apartments" upon finalization of the implementing By-law.
2. That Section 2(a) of the SIXTH Report of the Planning and Development Committee for 1996 which modified the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of By-law No. 6593, applicable to Blocks "1", "2" & "3", for property at 252, 262, and 268 James Street South, be amended by adding a new clause (k) as follows:

- (k) That notwithstanding Section 11A(3)(ii)(b) of Zoning By-law No. 6593, the existing buildings shall provide and maintain side yards, as follows:
- 1) a 0.45 m side yard shall be provided and maintained for the north lot line of Block "2"; and,
 - 2) no side yard shall be provided and maintained for the north lot line of Block "3";
3. That pursuant to Regional Council's delegation of approval authority for consent applications to the City of Hamilton, effective 1996 July 1, the City Solicitor be authorized and directed to prepare a by-law for approval by City Council, to delegate the authority to the Committee of Adjustment, effective 1996 July 1.
4. That a Heritage Permit be approved for the designated Pigott/Sun Life Buildings located at 36 James Street South and 42 James Street South, respectively, to mount four projecting sign banners measuring 3' wide and 12' high on the east (James Street) facade of the Pigott Building and four identical banners on the south (Main Street) facade of the adjacent Sun Life Building and to install a security camera in the top north-east corner of the entrance lobby of the Pigott Building.
5. That a Heritage Permit be approved for the following alterations, which will affect the exterior of the designated Dundurn Castle Stable Building:
- (a) installation of mechanical equipment and enclosure (approximately 15'9" x 6' x 6' high), located 4' south of the south facade (facing York Boulevard), as shown on the revised drawings attached hereto and marked as Appendix "B". The enclosure will be covered by a metal grate and camouflaged by a cedar palisade fence and plantings; and,
 - (b) installation of 2 vents in west roof gable as shown on Appendix "C" attached hereto.
6. That the Building Commissioner be authorized to issue a demolition permit for 412 Charlton Avenue West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
7. That the Building Commissioner be authorized to issue a demolition permit for 486 Grays Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
8. (a) That the budget, as outlined in Appendix "D", be approved for a Festival in the Park to be held in Woodland Park on 1996 June 15 in conjunction with the Barton Street Redevelopment Program; and,

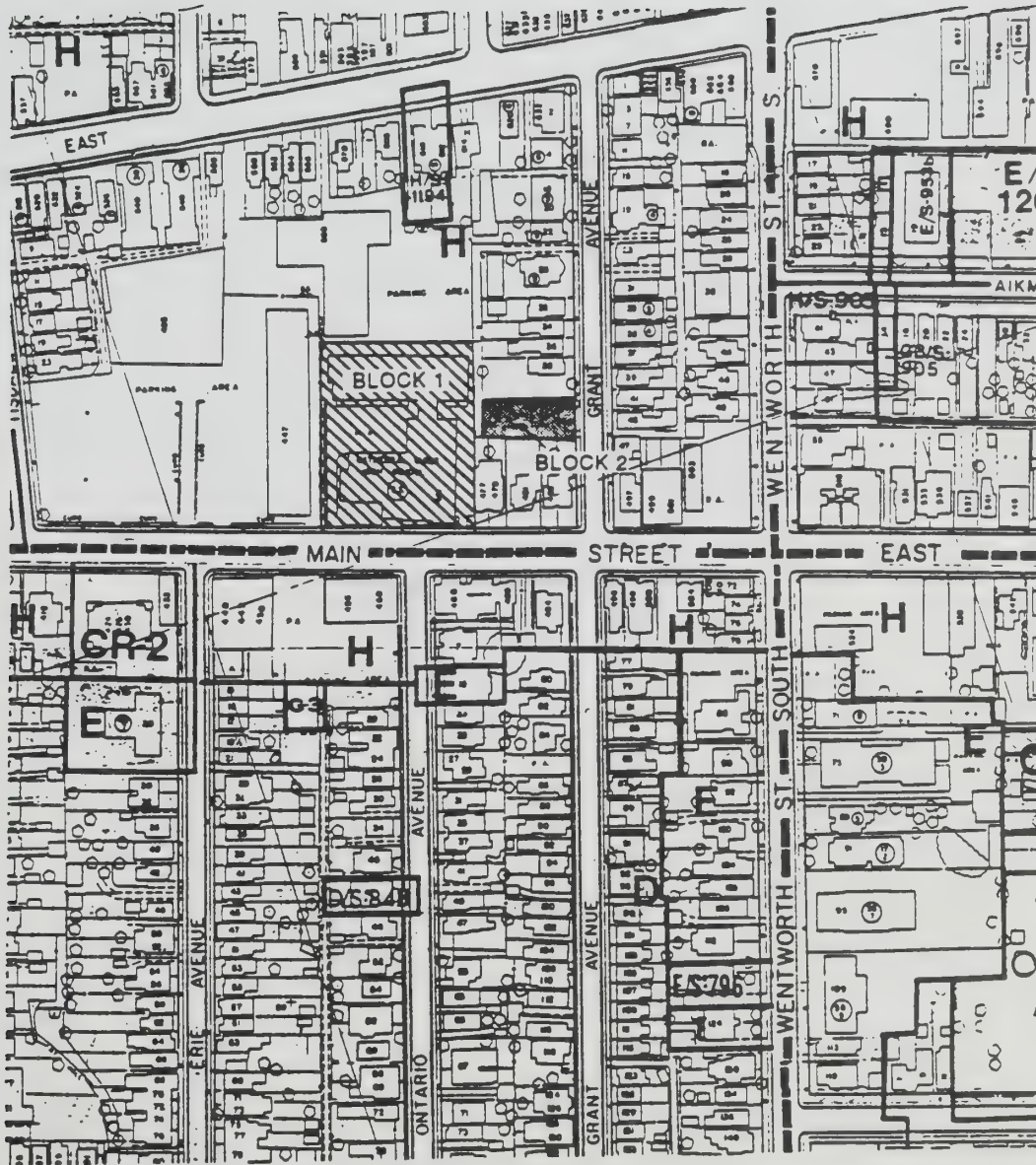
1996 May 28

- (b) That the City Treasurer be authorized and directed to forward \$6,441 (\$8,051 - 20% holdback) for the Festival in the Park to the Barton Street B.I.A.. The outstanding balance of \$1,610 to be forwarded upon submission of a statement of account.
- 9. (a) That Item 7 of the TENTH Report of the Planning and Development Committee Report for 1995, approved by Council on 1996 March 28 regarding the approval of the sum of \$3,750 representing the cash payment in lieu of 5% parkland dedication for "Claudette Gardens - Phase 7" be rescinded and replaced with Item (b) below.
- (b) That the City of Hamilton accept the sum of \$39,275 as a cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 7", Hamilton, and the sum of \$10,890 as a cash payment in lieu of the 5% land dedication in connection with "Wisemount Estates - Phase 7", Hamilton being the cash payment required under Section 51 of the Planning Act.
- 10. That the total outstanding Ontario Home Renewal Program loan for Mrs. E. Barbieri, 83 Simcoe Street East, in the amount of \$544.82 be placed on the tax rolls.
- 11. That the following Bills be adopted, signed, sealed and enrolled as a By-law:
 - (a) C-24 A By-law to Amend Zoning By-law 6593 and to Repeal Zoning By-laws 85-200 and 86-103 Respecting Lands Located at Municipal Numbers 252, 262 and 268 James Street South.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 May 22**



Legend

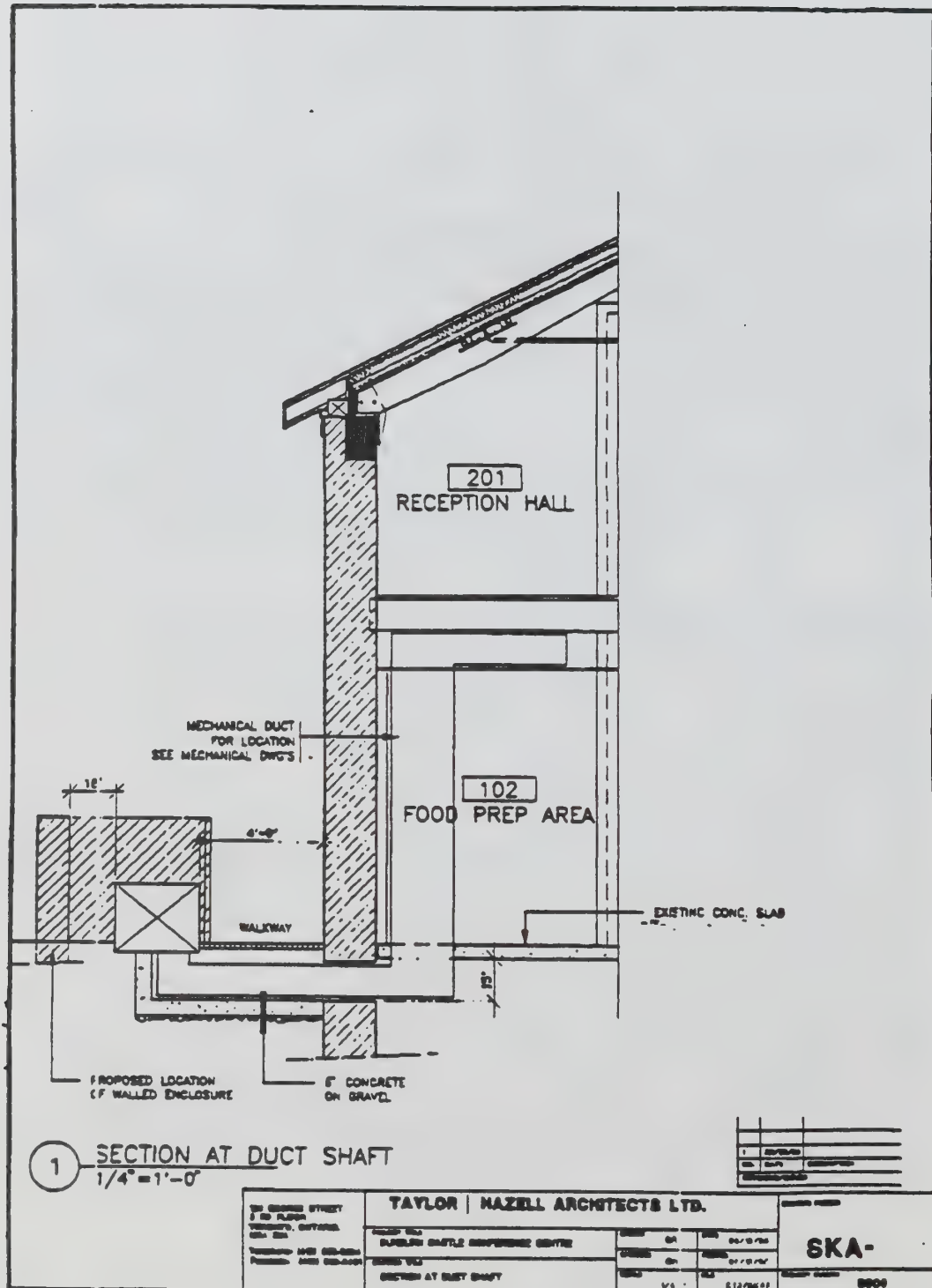
BLOCK 1
and
BLOCK 2

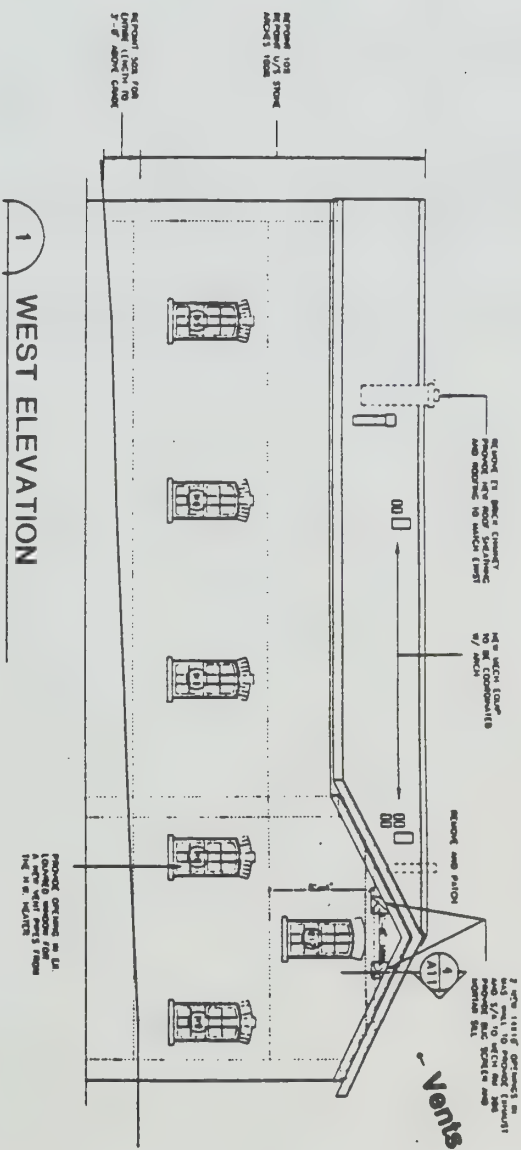
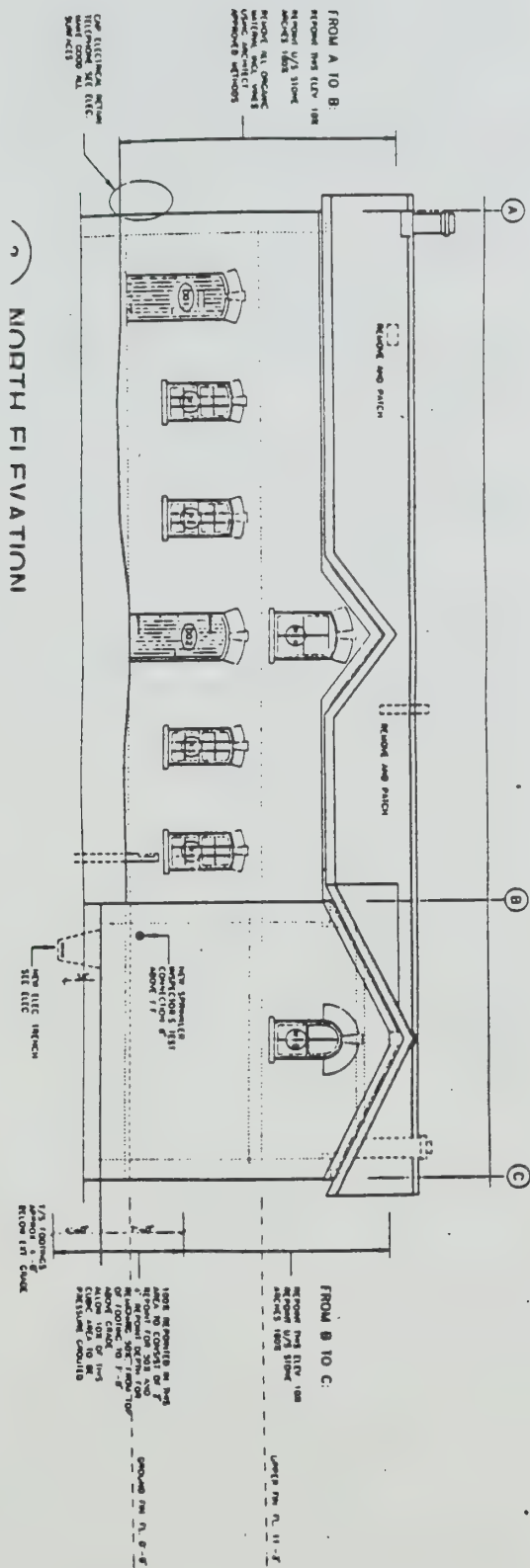


From "H" (Community Shopping and Commercial, etc.)
District to "DE-3" (Multiple Dwellings) District, Modified.



Appendix "A"





JUNE 1996 FESTIVAL BUDGET

ENTERTAINMENT: (INC. CLOWNS & BOUNCING CASTLE)	\$4,100.00
FOOD: HOT DOGS, SAUSAGES, PIZZA, BUNS CONDIMENTS, POP	\$300.00
PLATES, NAPKINS, GARBAGE BAGS TABLE CLOTHS	\$75.00
SOUND:	\$1,250.00
ADVERTISING (INC. FLYER DISTRIBUTION)	\$200.00
PROPANE, BBQ TANKS	\$20.00
PRINTING	\$200.00
PENNANTS/BALLOONS:	
MISCELLANEOUS:	\$500.00
RECONCILIATION (1995)	\$356.31
ADMINISTRATION	\$1,050.20
TOTAL	\$8,051.51

1996 May 28

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1.
 - (a) That the City resolve Ontario Court (General Division) Action #1699/93 by the payment to the Plaintiffs, Sophie and Harley Davidson, of the sum of \$4,000 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action #1699/93 be dismissed without costs.
2. That approval be given to the request of the Royal Canadian Mounted Police to use the City Hall Forecourt and related equipment on Wednesday, 1996 June 19 from 12 noon until 2:00 p.m. for a welcoming ceremony during the R.C.M.P. Scarlet Riders Challenge.
3. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing.

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source(s) of Financing
a) 319141004	Security Improvements- City Hall	\$100,000.00	\$100,000.00	\$0.00	RCP
b) 319151012	Convention Centre Light Control	25,000.00	24,962.83	37.17	RCP
c) 319251004	C.U.P.- Capital Replacements/New Equipment	70,000.00	69,997.76	2.24	RCP
d) 319349008	Sculpture Court- Commonwealth Square	110,000.00	109,934.55	65.45	RCP

e) 319351006	C.U.P. - Capital Replacements/New Equipment	70,000.00	69,998.26	1.74	RCP
f) 319441005	Major Maintenance to Civic Buildings	400,000.00	399,955.36	44.64	DEB
g) 319441009	Westmount/Mtn. Arenas Boiler Replacement	154,000.00	153,938.00	62.00	DEB
h) 319441013	Copps Coliseum - Steam to Hot Water Conversion	205,000.00	205,000.00	0.00	DEB
i) 319451019	C.U.P. - Capital Replacements/New Equipment	70,000.00	69,961.03	38.97	CL
j) 319541008	Central Fire - Replace Flat Roofs	73,000.00	72,996.25	3.75	CL RCP
TOTAL				\$255.96	

4. (a) That a purchase order be issued to KME Fire Apparatus/Code 4 Fire & Rescue Inc., Mississauga, Ontario, in the amount of \$1,237,822.03 including all applicable taxes, for the supply and delivery of three (3) class "A" triple combination pumpers in accordance with the specifications issued by the Purchasing Division and the vendor's tender; and,
- (b) That this expenditure be financed through Capital Account CF 5534 489651026 - Fire Vehicle/Apparatus Replacement; and,
- (c) That the Mayor and the City Clerk be authorized and directed to execute the above mentioned contract in a form satisfactory to the City Solicitor.
5. (a) That the 1995 Financial Report be approved; and,
- (b) That the City Treasurer publish the required 1995 Financial Information, based on the audited Report, in the Hamilton Spectator, within the next 60 days.
6. (a) That the request for Property Tax relief from the Royal Hamilton Light Infantry Veterans Association for 1994 and 1993 in accordance with the Policy on Tax exemption for Veteran's Associations adopted by City Council 1981 September 29, be approved in the total amount of \$10,165.20; and,
- (b) That this exemption be charged to Account CH 53319 24102 (Property Tax Relief) as an approved overdraft of this account; and,

- (c) That this exemption reflects the first and second years of ten years that the policy allows for this exemption and will require applications for future years on a yearly and per need basis.
- 7. (a) That Bot Construction Limited be authorized to proceed with the installation of sanitary and water servicing to the lot line of 817 and 821 Stone Church Road East, at a cost not to exceed \$23,000; and,
- (b) That the estimated cost of \$23,000 to extend sanitary and water servicing to the lot line of 817 and 821 Stone Church Road East be charged to Account Centre 00102 (Reserve for Property Purchases).
- 8. (a) That, as a result of the difficulties experienced and subsequent to a discussion thereof with Mr. Jamshid Haidary and his lawyer, this vendor be given a trial period to 1996, June 28 to operate on the sidewalk and adjacent to the curb at the prescribed site in front of # 9 King Street East in accordance with the terms and conditions of a contract in a form satisfactory to the City Solicitor; and,
- (b) That Public Works staff closely monitor the operation during that trial period and report back to the Committee on the results of the trial period at the July 2 meeting; and,
- (c) That this contract be voidable by the vendor on or before 1996 July 2, on the terms that he provide a signed discharge and release in a form satisfactory to the City Solicitor, entitling him to receive a full refund of the \$7,000 fee paid to the site for the use of the site; and,
- (d) That when the site is no longer operated by this vendor, it be removed from the approved street vendor list and not be available to any other street vendors.
- 9. (a) That all new taxi and livery licences for the remainder of 1996 be issued on the basis of the following new licence fees in addition to the new licence processing fee approved for all new licences by City Council on 1996 February 27th:

	<u>Current</u>	<u>Proposed</u>
Taxi Cab Driver	\$ 50	\$100
Taxi Cab Broker	\$270	\$540
Taxi Cab Leases - new	\$ 60	\$120
Livery Vehicle	\$210	\$420
Livery Driver	\$ 50	\$100

- (b) That the City Solicitor be authorized to prepare the appropriate By-law.

1996 May 28

10. (a) That a half page ad at a cost of \$2,363 be placed in a Special Sesquicentennial commemorative section in The Spectator to be published on Saturday, 1996 June 8th in commemoration of the 150th Anniversary of the City of Hamilton and The Spectator; and,

(b) That the cost for this ad be charged to Account No. CH 56302 12001 (Advertising & Promotion).
11. (a) That City Council officially recognize the Sesquicentennial Commemorative Coin produced as a joint project of Hamilton Sesquicentennial Celebrations Inc. and The Hamilton & District Chamber of Commerce; and,

(b) That City Council encourages merchants, retailers and other entities in the Greater Hamilton Community to accept the Sesqui Coin in lieu of legal tender, during the period of 1996 June 10th to December 31st inclusive.
12. That the City's assistance be given to both Theatre Aquarius and The Art Gallery of Hamilton in their efforts of seeking private legislation with a Private Members Bill for tax exempt status.
13. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-40 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 May 21**

1996 May 28

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FOURTH** Report for 1996 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of June, July and August, 1996.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1996 May 28

JJS/dg

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 MAY 28
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-laws No. 85-200 and 86-103

Respecting:

**LANDS LOCATED AT
MUNICIPAL NOS. 252, 262 and 268 JAMES STREET SOUTH**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 85-200 on the 24th day of September 1985 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E-1" District, in respect of the above mentioned lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 19th day of September 1986;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 86-103 on the 11th day of March 1986 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E-1" District, in respect of the above mentioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of the 6th Report of the Planning and Development Committee at its meeting held on the 9th day of April 1996, recommended that Zoning By-law No. 6593 be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that Zoning By-law Nos. 85-200 and 86-103 be repealed in their entirety;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of the 9th Report of the Planning and Development Committee at its meeting held on the 28th day of May 1996, recommended a further modification in zoning for the above-mentioned lands as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 85-200 and By-law No. 86-103 are hereby repealed in their entirety.

2. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11A of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,
 - (a) notwithstanding Section 11A(1) of Zoning By-law No. 6593, the following residential and commercial uses and any combination thereof, shall be permitted in the buildings existing on the day of the passing of this by-law except as provided in clause (b):
 - (i) **Commercial Uses:**
 1. General Offices; Medical Offices;
 - (ii) **Residential Uses:**
 1. Multiple dwellings;
 - (b) **Commercial Uses** comprised of medical offices, the aggregate floor area of which shall not exceed 50% of the total gross floor area of the building including the basement or cellar;
 - (c) no part of the land abutting James Street South shall be used for vehicle access to or from James Street South;
 - (d) no part of the yard adjacent to James Street South shall be used for parking of vehicles;
 - (e) notwithstanding Table 1 of Section 18A of Zoning By-law No. 6593, a minimum of 24 parking spaces shall be provided and maintained, as follows:
 - (i) a minimum of 13 parking spaces shall be provided and maintained on Block 1;
 - (ii) a minimum of 6 parking spaces shall be provided and maintained on Block 2;
 - (iii) a minimum of 5 parking spaces shall be provided and maintained on Block 3;
 - (f) notwithstanding Section 18A(7) of Zoning By-law No. 6593, not more than three (3) of the parking spaces on Block 1 and four (4) of the parking spaces on Block 2 shall be permitted to have dimensions not less than 2.7 m wide and 5.0 m long;
 - (g) notwithstanding Tables 3, 4 and 5 of Section 18A of Zoning By-law No. 6593, no loading space shall be required;
 - (h) Sections 18A(11), 18A(12)(a) and 18A(26) of Zoning By-law No. 6593 shall not apply;
 - (i) the southerly driveway access for the parking area along the westerly property line of Block 3 adjacent to Markland Street shall not be used for any purpose other than an entrance from Markland Street;

- (j) the northerly driveway access for the parking area along the westerly property line of Block 1 adjacent to Herkimer Street shall not be used for any purpose other than an exit to Herkimer Street; and
- (k) notwithstanding Section 11A.(3)(ii)(b) of Zoning By-law No. 6593, the existing buildings shall provide and maintain side yards, as follows:
 - (i) a 0.45 m side yard shall be provided and maintained for the north lot line of Block 2;
 - (ii) no side yard shall be provided and maintained for the north lot line of Block 3.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1356.

5. Sheet No. W-6 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1356.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

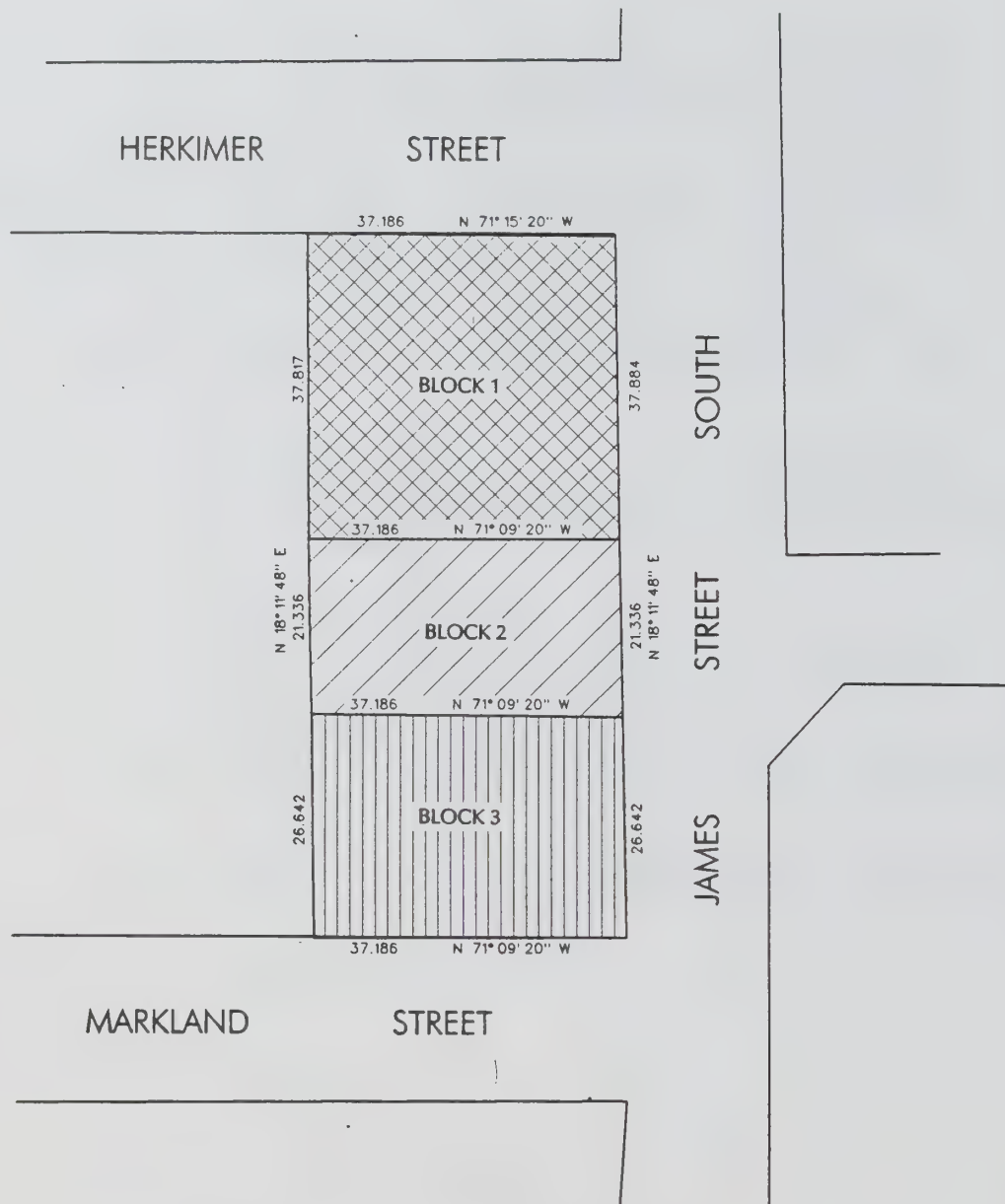
day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 6 R.P.D.C. 2, April 9
 (1996) 9 R.P.D.C. 2, May 28
 867065 Ontario Inc. (M. Presta), Owner
 Amended ZAC-95-34



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



BLK 1

"E-1" (Multiple Dwellings, Lodges, Clubs, etc.)
District Modified.



BLK 2

"E-1" (Multiple Dwellings, Lodges, Clubs, etc.)
District Modified.



BLK 3

"E-1" (Multiple Dwellings, Lodges, Clubs, etc.)
District Modified.

North



Scale
Not to Scale

Date
May 1996

Reference File No.
ZAC-95-34

Drawn By
R.L.

BY-LAW NO. 96 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28TH DAY OF MAY
A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28TH day of MAY A.D. 1996

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1996



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

1996 June 20

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 June 25
7:30 o'clock p.m.
Council Chambers, City Hall**

J. J. Schatz, City Clerk

A G E N D A

URBAN MUNICIPAL

1. National Anthem.

JUN 24 1996

**2. Opening Prayer: Reverend Bruce Woods
Hamilton Christian Fellowship**

GOVERNMENT DOCUMENTS

3. Presentations:

- a) Rev. Dennis L. Hillis to present to Mayor Morrow a leather bound New Contemporary English Version of the Bible with the Sesquicentennial logo embossed in gold on its cover.**

Rev. Hillis to present to each of the Council Members a New Testament which would also be embossed with the logo.

- b) Sesquicentennial Provincial Awards Recognition
Blessed Sacrament Minor Bantam AAA All-Star Team
Sean Buckley, Kevin Condrón, Chris Contardi, Mark Donelson, Keenan Jeppesen, Ryan McHugh, Marco Perri, Merwin Quinto, Joel Scott, Theo Sherry, Michael Spitale, Mark Valvasori
Jim Robinson, Greg Donelson and Vic Jankus - Coaches
Dave McHugh, Manager**

4. Adoption of the minutes of the meetings held:

- (a) 1996 May 28 - regular meeting
(b) 1996 June 6 - special meeting
(c) 1996 June 18 - special meeting**

5. Correspondence

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6. *Reports of the Standing Committees:*

- (a) *Transport and Environment Committee*
- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*
- (e) *Report of His Worship Mayor Robert M. Morrow*

7. *Notice of Motion for next meeting.*

8. *Question Period.*

9. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
Tuesday, 1996 May 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Rabbi Israel Silverman, Beth Jacob Synagogue led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 May 14 were adopted as circulated.

PRESENTATIONS

Mayor Morrow presented Sesquicentennial Provincial Awards to Transway Basketball Minor Bantam Provincial AAA Champions, Bantam Provincial AAA Champions and the Juvenile AA Provincial Champions.

CORRESPONDENCE\PETITION

1. Letter/Petition dated 1996 May 16 from Sanford Battery Manufacturing Limited Re: parking meters on the north side of Hunter Street between John and James Street

Referred to the Transport and Environment Committee.

2. Facsimile dated 1996 May 22 from Ann Louise Vick, Secretary of the Hamilton Signals Association Re: Bus Shelters in the immediate area of the Cenotaph.

Referred to the Transport and Environment Committee.

3. Letter dated 1996 May 22 from Mary L. Gallagher, Legislative Assistant, Regional Clerk's Office for the Regional Municipality of Hamilton-Wentworth respecting Regulation of Second Level Lodging Homes.

Referred to the Finance and Administration Committee.

4. Application dated 1996 May 22 from Luatta Harrington, Don Mills, Ontario for a modification to the established "HH" (Restricted Community Shopping and Commercial etc.) District for 1051 Upper James Street, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT

Section 2 Re: Approval of outdoor patio - 224 James St. N.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Copps. -1.

CARRIED.

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT

Section 11 Re: Alcohol in Parks - Bayfront Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 12 Re: Alcohol in Parks - Globe Park and Turner Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 14 Re: Alcohol in Parks - Eastwood Arena

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. - 15

NAYS: Aldermen Copps, Jackson. -2.

CARRIED.

* * * * *

Section 18 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 24 Re: Alcohol in Parks

Recorded vote.

YEAS: Aldermen Kiss, Morelli, Copps, Wilson, Charters, Jackson, Merling, Anderson. -8.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Eisenberger, Collins, D'Amico, Ross. -9.

LOST.

* * * * *

Section 29 (c) Re: Dundurn Castle

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Section 29 (c) of the SEVENTH Report for 1996 of the Parks and Recreation Committee be amended by deleting Subsection (c) in its entirety and replacing it with the following:

- "(c) That the reroofing of the stables building at Dundurn Castle in the estimated amount of \$57,275 be financed from Account No. CF 319641023 (Building Operations and Maintenance) which was previously allocated for the reroofing of the original billiard room and bowling alley of the 1870 wing in Dundurn Castle to coordinate the reroofing with the conversion of the stables building; and,"
- CARRIED.**

* * * * *

Section 31 Re: Sale of Alcohol - 1996 Golf Season

It was moved by Alderman Ross and seconded by Alderman D'Amico that the following be added as Section 31:

31. (a) That the Director of Culture and Recreation be authorized to renegotiate the contracts, satisfactory to the City Solicitor, with the Concessionaires to permit the sale of alcohol from halfway houses during the 1996 Golf Season on a trial basis in accordance with Provincial statutes and on the understanding that the City of Hamilton will be cross-insured and indemnified by the Concessionaires; and
- (b) That the Director of Culture and Recreation report back to the Committee by year end on the results of this initiative.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Eisenberger, Collins, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Wilson, Charters, Jackson, Merling, Anderson. -8.

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - NINTH REPORT

Section 6 Re: Demolition of 412 Charlton Avenue West

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross.-14

NAYS: Alderman Kiss -1.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - ELEVENTH REPORT

Rule No. 9 Re: By-law for Taxi and Livery Licence Fee

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a by-law for Taxi and Livery Licence Fee increases. **CARRIED.**

* * * * *

Section 13 Re: The Introduction of Bill No. D-41

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 13 of the Eleventh Report for 1996 of the Finance and Administration Committee as Bill No. D-41:

D-41 A By-law to Amend Licensing By-law No. 93-069 Respecting Taxi and Livery Licence Fees. **CARRIED.**

* * * * *

Rule No. 9 Re: Proposed Teletheatre - Flamboro Downs

It was moved by Alderman Ross and seconded by Alderman D'Amico that Rule No. 9 of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting an additional proposed teletheatre location for Flamboro Downs. **CARRIED.**

* * * * *

Section 14 Re: Teletheatre

It was moved by Alderman Ross and seconded by Alderman D'Amico that the following be added as Section 14 of the Eleventh Report for 1996 of the Finance and Administration Committee as follows:

14. That City Council advise the Ontario Racing Commission that it is aware of the request from the Flamboro Downs for an additional proposed Teletheatre location at 801 Mohawk Road West, Harvard Square and that City Council has no objection to this location being approved. **CARRIED.**

* * * * *

Rule No. 9 Re: Hospital Services

It was moved by Alderman Merling and seconded by Alderman Charters that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting local hospital services. **CARRIED.**

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Section 15 Re: Hospital Services

It was moved by Alderman Merling and seconded by Alderman Charters that the following be added as Section 15 of the Eleventh Report for 1996 of the Finance and Administration Committee:

15. Given the City's recent experience and proactive work on behalf of its residents for maintenance of local hospital services and with the approach of the current Provincial Government to support restructuring through amalgamated management as seen in Bill 26, Schedule "F", amendment to the Public Hospital Act.

It is crucial that this City go on record with and petition the Minister to continue the City's role and responsibility for appointing all members on any newly created Hospital Board.

This authority must continue to reinforce the accountability of the Board members to the residents of this community.

This request be circulated to all area MPP's for their support on behalf of their constituents.

CARRIED.

* * * * *

Rule No. 9 Re: Great Lakes St. Lawrence Mayor's Conference

It was moved by Mayor Morrow and seconded by Alderman Drury that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting attendance at the Great Lakes St. Lawrence Mayor's Conference.

CARRIED.

* * * * *

Section 16 Re: Great Lakes St. Lawrence Mayor's Conference

It was moved by Mayor Morrow and seconded by Alderman Drury that the following be added as Section 16 of the Eleventh Report for 1996 of the Finance and Administration Committee:

16. That Alderman W. McCulloch be authorized to attend the upcoming Great Lakes St. Lawrence Mayor's Conference to be held in Quebec City, June 15-19, 1996.

CARRIED.

NOMINATING COMMITTEE - FOURTH REPORT

(To Elect a Chairman of the Committee of the Whole)

ACTING MAYOR FOR THE MONTH OF JUNE, 1996

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Jackson be appointed Acting Mayor for the month of June, 1996. **CARRIED.**

ADOPTING THE REPORTS OF THE COMMITTEE OF THE WHOLE

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

* * * * *

City Council then adjourned at 9:50 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 May 28
JJS/dg

1996 June 6

Minutes of the Special
City Council Meeting
June 6, 1996
3:00 o'clock p.m.
King's Forest Golf Course Meeting Room

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Caplan, Agro, Copps, Wilson, Eisenberger, Collins, Jackson,
Charters, Merling, Anderson, Ross, D'Amico.

Absent: Alderman W. McCulloch - civic business
Alderman D. Drury - regional business
Alderman B. Morelli - regional business

* * * * *

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole be now considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Copps, Wilson, Eisenberger,
Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - FOURTH REPORT
(Constituent Assembly)

Section 1 Re: City of Hamilton Position on Local Government Restructuring
CARRIED UNANIMOUSLY.

* * * * *

Section 2 Re: Final Report of the Constituent Assembly

Recorded vote.

YEAS: Aldermen Kiss, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson. -8.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, Eisenberger, D'Amico, Ross. -6.

CARRIED.

AMENDMENT TO PREVIOUS RECOMMENDATION

(Section 16 of the Eleventh Report
of the Finance and Administration Committee)
(Great Lakes St. Lawrence Mayor's Conference)

It was moved by Alderman Wilson and seconded by Alderman Ross that Section 16 of the Eleventh Report of the Finance and Administration Committee for 1996 be amended by deleting the name of Alderman W. McCulloch in the first line and inserting in lieu thereof the name Alderman M. Caplan.

CARRIED.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: -0.

CARRIED.

1996 June 6

* * * * *

City Council then adjourned at 3:05 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R.M. Morrow
Chairman, Committee of the Whole

J. J. Schatz, City Clerk
1996 June 6
JJS/dg

Minutes of the Special
City Council Meeting
June 18, 1996
7:15 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger,
Collins, Jackson, Charters, Merling, Ross, D'Amico.

Absent: Alderman M. Caplan - City Business
Alderman T. Anderson - Personal Business

* * * * *

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Wilson that Rule No. 3(d) of City of Hamilton Procedural By-law 95-167 be suspended for this special meeting of City Council in order for this meeting to be held without the provision of 24 hours of notice. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Parks and Recreation Committee be now considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps,
Wilson, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT

(Versa Services Ltd. - Liquor Sales Licence -
Ivor Wynne Stadium)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Merling, D'Amico, Ross. -13.

NAYS: Aldermen Copps, Jackson. -2.

CARRIED.

RESOLUTION

(Hamilton Civic Hospitals Board)

Rule 3 (e) - New Board Structure - Hamilton Hospitals (Hamilton Health Sciences Corporation)

It was moved by Alderman Charters and seconded by Alderman Merling that Rule 3 (e) of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the proposed new Board structure of the Merged Hamilton Hospitals (Hamilton Health Sciences Corporation). **CARRIED.**

* * * * *

Re: City of Hamilton opposed to the Merged Hamilton Hospitals Board (Hamilton Health Sciences Corporation).

It was moved by Alderman Charters and seconded by Alderman Merling that

- (a) That the City of Hamilton is opposed to the Merged Hamilton Hospitals Board (Hamilton Health Sciences Corporation) restructuring as proposed; and,
- (b) That the Mayor, Chairman of the Finance and Administration Committee, Alderman H. Merling and appropriate staff meet with the Minister of Health within the week to stress the need for political representation (eg. appointed by the municipality or the Province or directly elected), public accountability and open meetings in the new Board structure of the Merged Hamilton Hospitals (Hamilton Health Sciences Corporation); and,

- (c) That the City Clerk ensure that all members of the Civic Hospitals Board appointed by the City of Hamilton be advised of this position; and,
- (d) That to ensure that these members are advised, that the City Clerk hand-deliver a copy of this resolution to them prior to the Civic Hospitals Board meeting being held Wednesday, 1996 June 19th. **CARRIED.**

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Parks and Recreation Committee and a resolution be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 7:20 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R.M. Morrow
Chairman, Committee of the Whole

S. G. Hollowell, Acting City Clerk
1996 June 18
SGH/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1996 June 19 from the Office of the Clerk, Regional Municipality of Hamilton-Wentworth respecting the Hamilton-Wentworth Health Survey: Tobacco Results.

Recommendation: **Be Referred to the Finance and Administration Committee.**

2. Application dated 1996 May 30 from Parkgate Developments c/o Angelo Puglisi for a change in zoning from "AA" (Agricultural) to "RT-20" (Townhouse-Maisonette) District for 988 Upper Paradise Road, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated 1996 June 13 from 712169 Ontario Ltd. (Gino Malatesta) for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for 1232 Upper Gage Avenue, Hamilton, Ontario.

Recommendation: **Be Received.**



REGIONAL MUNICIPALITY OF HAMILTON

Office of the Clerk

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N

1.

June 19, 1996

Mr. J. Schatz, Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz:

**Re: Health and Social Services Committee
Report 12-96, Item 6**

OFFICE OF THE CITY CLERK



JUN 20 1996

REC. BY *JS* DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____

ACTION: *FOR CITY COUNCIL*
WITH REFERRAL
TO F.S.A. (C.M.)

Subjoined, please find Item 6 of Report 12-96 of the Health and Social Services Committee which was approved by Regional Council at its meeting held on Tuesday, June 18, 1996.

6. Hamilton-Wentworth Health Survey: Tobacco Results (HEA 96-097)

- a) That the report "1995 Hamilton-Wentworth Health Survey: Tobacco Results" be received;
-  b) That the Medical Officer of Health be authorized and directed to distribute the report "1995 Hamilton-Wentworth Health Survey: Tobacco Results" to the Council's of each municipality within the Regional Municipality of Hamilton-Wentworth;
-  c) That as a result of this survey, and other information available, that the Health and Social Services Committee in taking seriously its responsibility for the health and welfare of our citizens, declares its intent to develop a model Tobacco Control By-law for use by the member municipality and invites each municipality to assist in the development of this model By-law.

I wish to bring to your attention, specifically subsections 6(b) and 6(c) above and request that this resolution in its entirety and attached report be brought before your Council for consideration.

Yours truly,

Mary L. Gallagher
Mary L. Gallagher
Legislative Assistant
Attachment.

REGION OF HAMILTON-WENTWORTH

- RECOMMENDATION -

4.4

DATE: 1996 May 30

REPORT TO: Chairman and Members
Health and Social Services Committee

FROM: Dr. Marilyn L. James
Medical Officer of Health

SUBJECT: Hamilton-Wentworth Health Survey: Tobacco Results (HEA 96-097)

RECOMMENDATIONS:

- (a) That report "1995 Hamilton-Wentworth Health Survey: Tobacco Results" be received;
- (b) That the Medical Officer of Health be authorized and directed to distribute the report "1995 Hamilton-Wentworth Health Survey: Tobacco Results" to the Councils of each municipality within the Regional Municipality of Hamilton-Wentworth.



Dr. Marilyn L. James
Medical Officer of Health

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

SUSTAINABLE COMMUNITY IMPLICATIONS:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making).

One of the goals of Vision 2020 is to "increase the number of years of good health for all citizens by reducing illness, disability, and premature death". Tobacco use is the leading cause of preventable illness and death in Hamilton-Wentworth. Another goal in Vision 2020 is to "improve the quality of indoor air". Second-hand or Environmental Tobacco Smoke (ETS) contains 4,000 different chemical compounds, 50 of which are known carcinogens, and kills over 300 non-smoking Canadians each year. Thus, the elimination of ETS from all indoor spaces is an important step towards reducing health risks to non-smokers and implementing Vision 2020.

BACKGROUND:

Origin

Regional Council, at its meeting of June 6, 1995, directed the Regional Public Health Department to establish an Ad hoc Regional Tobacco Control Bylaw Committee to draft a comprehensive tobacco control bylaw for the Region of Hamilton-Wentworth (HEA 95-057). The process was to include a "full and open consultation process with respect to all economic, social and cultural implications of a Region-wide By-Law which prohibits smoking in all enclosed public places and workplaces."

As part of this consultation process, the Regional Public Health Department initiated a survey of Hamilton-Wentworth residents during the fall of 1995 (HEA 95-107). A full report of the survey methodology and results appears in Attachment I.

PURPOSE

The purpose of the 1995 Hamilton-Wentworth Health Survey included (a) documenting the prevalence of smoking, and (b) determining public opinion about smoking restrictions in public places and workplaces. A random sample of households across the region were contacted by telephone during November and December 1995.

RESULTS AND CONCLUSIONS

a) Respondents

1,042 adult residents were surveyed; at least 100 residents from each of Ancaster, Stoney Creek, Flamborough, Glanbrook, Dundas and 500 residents from the City of Hamilton were chosen to represent the adult population of the Regional Municipality of Hamilton-Wentworth

b) Smoking Prevalence

Of those surveyed, 73% were non-smokers and 27% were smokers (21% daily smokers and 6% occasional smokers).

c) Public Opinion about Smoking in Public Places

The results demonstrated that:

- A strong majority (71%) of Hamilton-Wentworth residents responded that they strongly or somewhat supported regulations to make all enclosed public places smoke-free. Support from non-smokers ranged from 81% to 90% by municipality, while support from smokers ranged from 18% to 48% by municipality.
- A strong majority (72%) of Hamilton-Wentworth residents indicated that they strongly or somewhat supported smoke-free workplaces. Support from non-smokers ranged from 83% to 91% by municipality, while support from smokers ranged from 31% to 48% by municipality.

- Public support for specific public places becoming smoke-free ranged from 51% to 91%, depending upon the location. The highest support was for locations used by broad sections of the population, including children, as well as homes for the aged.
- A strong majority of respondents (77% to 96%) would visit specific public places more often or about the same if they became smoke-free. In some places, such as restaurants, becoming smoke-free may increase patronage by non-smokers, who make up 73% of the population of Hamilton-Wentworth, and would therefore have a positive economic impact on business.
- Although the percentage of smokers indicating support for becoming smoke-free was relatively low for some establishments (such as donut shops and bingo halls), the majority of smokers (between 53% to 89% depending on establishment) reported that they would still use these public places more often or the same.
- Exposure to environmental tobacco smoke (ETS) is a major health issue for Hamilton-Wentworth adults, with 82% concerned about their personal exposure.
- Restaurants are a prime example of a public place where levels of ETS in non-smoking sections are perceived as unacceptable by the majority of customers (69%) who request non-smoking areas when dining out. Thus, current smoking regulations provide inadequate protection for the public.

Please see Attachment I "1995 Hamilton-Wentworth Health Survey: Tobacco Results" for more details and the breakdown of results by municipality.

Prepared By:

Tracey Taylor, Coordinator, Tobacco & Substance Abuse Prevention Programs, Healthy Lifestyles Branch

Paul Krueger, Epidemiologist/Health Analyst

Alan McFarlane, Tobacco Use Prevention Promoter, Healthy Lifestyles Branch

Larry Chambers, Consultant Epidemiologist Regional Public Health Department and Professor, Department of Clinical Epidemiology and Biostatistics, McMaster University

Helen Hale Tomasik, Director, Healthy Lifestyles Branch

1995 Hamilton-Wentworth Health Survey: Tobacco Results

Tracey Taylor
Paul Krueger
Alan McFarlane
Larry Chambers
Helen Hale Tomasik



Purpose

The purpose of the 1995 Hamilton-Wentworth Health Survey included (a) documenting the prevalence of smoking, and (b) determining public opinion about smoking restrictions in public places and workplaces. A random sample of households across the region were contacted by telephone during November and December 1995.

Methods

Questionnaire

A questionnaire was developed to measure public opinion regarding smoking in public places not covered by provincial and federal legislation, as well as region-wide smoking rates. Questions were modified from similar questionnaires used by other public health units in Canada. Other questions relating to healthy lifestyles, such as alcohol use and physical activity, were included also.

Sample Design

The sample for the survey was designed to represent the adult population (18 years of age or older), residing in private homes in the Regional Municipality of Hamilton-Wentworth. Residents of old age homes, group homes, educational and penal institutions were excluded from the sample. The sample was designed to include at least 100 residents from Ancaster, Stoney Creek, Flamborough, Glanbrook, and Dundas, as well as 500 residents from the City of Hamilton, for a total sample of 1000 residents of Hamilton-Wentworth.

Survey respondents were chosen through a two-stage process. Stage one, the random selection of households, involved randomly selecting residential telephone numbers, using random digit dialling. Stage two, the random selection of respondents, involved selecting the adult household member who had the most recent birthday. This individual was administered the questionnaire.

Data Collection

Surveys were conducted by telephone from the Institute for Social Research's centralized computer assisted telephone interviewing facility at York University. The households were contacted by York University staff, with multiple attempts at different times to increase the response rate.

Statistical Analysis

Data were analysed and presented as percentages of respondents answering each question. The number of respondents was not presented in all tables, as some respondents did not answer some questions. A "majority" was defined if the percentage exceeded 50%, while a "strong majority" was defined if the percentage was 70% or greater.

Results and Discussion

Response Rate

Surveys of a relatively small sample of a population can, within limits, represent and describe the entire population. Of the 2,002 selected households, 1,042 residents aged 18 or older completed a telephone interview for a response rate of 52%. Given this response rate, an estimating procedure was used to determine how accurately the sample represents the views of the entire population. The findings suggest that responses are accurate, plus or minus three percent, 19 out of 20 times (95% of the time).

Description of the Sample

The sample of 1042 respondents comprised slightly more females (57%) than males, with a strong majority of respondents (87%) indicating that they sometimes or always vote in municipal elections (see Table I).

Of those surveyed, 73% (see Table I) were non-smokers and 27% smokers (21% daily smokers and 6% occasional smokers). This breakdown of the population into non-smokers and smokers is consistent with 1990 Ontario Health Survey data for the region. Smokers were more likely than non-smokers to be in the 20 to 44 year age group (61% versus 47%), were less likely to have a university degree (6% versus 21%), and have a lower household income (with 44% earning below \$29,999 versus 25%). Non-smokers had a higher tendency than smokers to always vote in municipal elections (70% versus 57%).

Public Support for Regulations to Make All Enclosed Public Places Smoke-Free

Respondents were asked if they strongly supported, somewhat supported, somewhat opposed, or strongly opposed regulations to make all enclosed public places smoke-free. The strong majority (71%) of Hamilton-Wentworth residents responded that they strongly and somewhat supported regulations to make all enclosed public places smoke-free (see Table 2). Ancaster residents had the greatest support for regulations at 83%, however support in all municipalities was 66% or higher. Support from non-smokers ranged from 81% to 90% , while support from smokers ranged from 18% to 48%. Glanbrook is the most polarized municipality with 81% of non-smokers supporting regulations versus 18% of smokers. A strong majority of non-smokers (84%), which make up 73% of the survey respondents, would support regulations to make all enclosed public places smoke-free.

Other findings related to support for regulations to make all enclosed public places smoke-free included:

- 49% of Hamilton-Wentworth adults had heard about plans to make all enclosed public places smoke-free.
- 36% of Hamilton-Wentworth adult smokers would find it easier to cut down or quit smoking if all enclosed public places were smoke-free.

Public Support for Regulations to Make All Workplaces Smoke-Free

Respondents were asked if they strongly supported, somewhat supported, somewhat opposed, or strongly opposed regulations to make all enclosed workplaces smoke-free. A strong majority (72%) of Hamilton-Wentworth respondents strongly or somewhat supported smoke-free workplaces (see Table 3). Dundas and Ancaster had the highest support for regulations, with all municipalities having 67% support or greater. Support from non-smokers ranged from 83% to 91% by municipality, while support from smokers ranged from 31% to 48% by municipality. As with enclosed public places, a strong majority of non-smokers (85%) would support regulations to make all enclosed workplaces smoke-free.

Public Support for Smoke-Free Public Places, By Type of Public Place

Respondents were provided with a select list of public places and asked if they strongly supported, somewhat supported, somewhat opposed, or strongly opposed these types of public places becoming smoke-free. The majority of Hamilton-Wentworth residents (between 51% and 91% by public place) strongly or somewhat supported each type of public place becoming smoke-free (see Table 4). The greatest amount of support tended to be for public places where all ages have access, including lobbies, mall food courts, places of religious assembly, and arenas and recreation centres. It should also be noted that smoke-free places for the aged were of special concern to the respondents.

Smoke-free regulations for Donut and Coffee shops, Bowling Alleys, Bingo Halls, and Bars, tended to have lower support among smokers (see Table 4). This is not surprising as these are establishments traditionally visited often by smokers. This lower support could be an indication of heavy smokers remaining resistant to smoke-free environments in places that have been strongly associated with smoking in the past. However, of these smokers, 36% indicated that they would find it easier to cut down or quit if all enclosed public places were smoke-free. Furthermore, a number of donut and coffee shops in Hamilton-Wentworth have taken this lead and established smoke-free franchises.

Estimated Effect of Smoke-Free Regulations on Frequency of Visiting Public Places

Respondents were provided with a select list of public places and asked if they would visit each type of public place if they became smoke-free more often, less often, or about the same. A strong majority of Hamilton-Wentworth residents (between 77% and 91% by public place) responded that they would visit each type of public place more often or about the same if they became smoke-free (see Table 5). Non-smokers were exceptionally supportive, with between 96% and 99% (depending upon the public place) indicating that they would frequent various types of public places more often or about the same (see Table 5).

A majority of smokers (between 53% and 89% by public place) indicated that they would frequent each type of public place more often or about the same if they were smoke-free, with the exception of Billiard Halls (43%) and Bars, Night Clubs, and Pubs (35%) (see Table 5). Although the percentage of smokers indicating support for becoming smoke-free was relatively low for some

establishments (such as donut shops and bingo halls), the majority of smokers (between 53% and 89% by public place) reported that they would still use these public places more often or the same (see Table 5).

The findings from the restaurant portion of Table 5 indicate that 85% of Hamilton-Wentworth residents (and 97% of non-smokers) would go to restaurants more often or about the same. This is consistent with results in jurisdictions elsewhere where smoke-free restaurant ordinances did not adversely affect restaurant sales¹. In addition, allowing smoking in restaurants may negatively affect business. In the 1995 Hamilton-Wentworth Health Survey, 33% of Hamilton-Wentworth adults reported that they have left a restaurant because they could not get a seat in the non-smoking section, 26% have left a restaurant because the smoke bothered them, and 43% have left a bar because the smoke bothered them. Thus, 100% smoke-free regulations can have a positive economic impact on restaurants and bars by attracting these customers.

Environmental Tobacco Smoke

In the 1995 Hamilton-Wentworth Survey, 91% of respondents believed that environmental tobacco smoke (ETS), otherwise known as second-hand smoke, causes health problems (see Figure 1). Of the smokers, 77% believed that exposure to ETS will cause health problems, whereas 94% of non-smokers believed this (see Figure 1). Of daily smokers, only 38% believed that their smoking would lead to health problems in others. Research has linked ETS exposure among non-smokers to health problems such as lung cancer, asthma, increased incidence of respiratory infections, decreased pulmonary function, and cardiovascular disease². Thus, survey results clearly indicate that there is still a need for public education concerning the ill-health effects of ETS exposure, particularly among regular smokers.

In addition, residents are clearly concerned about their own exposure to ETS. For example:

- 82% of Hamilton-Wentworth adults were concerned about personal exposure to environmental tobacco smoke.
- 68% of Hamilton-Wentworth adults requested non-smoking sections in restaurants (87% of non-smokers).
- 69% of those that requested non-smoking seating felt that they were exposed to an unacceptable amount of smoke.

These survey findings indicate that current smoking regulations for public places such as restaurants are inadequate. In fact, research conducted on ETS exposure has shown that the only way to reduce the risks of ETS exposure is to eliminate the source. This same research has shown that separate ventilation in public places such as restaurants and workplaces is not a safe option³.

Conclusions

The following main conclusions can be drawn from the tobacco results of the 1995 Hamilton-Wentworth Health Survey:

- There is a high level of public support for all public places in Hamilton-Wentworth becoming smoke-free.

- There is a high level of public support for all workplaces in Hamilton-Wentworth becoming smoke-free.
- Public support for smoke-free public places varies somewhat by location, with the highest support for locations used by broad sections of the population, including children, as well as homes for the aged.
- A strong majority of respondents (77% to 96%) would visit specific public places more often or about the same if they became smoke-free. In some places, such as restaurants, becoming smoke-free may increase patronage by non-smokers, who make up 73% of the population of Hamilton-Wentworth, and would therefore have a positive economic impact on business.
- Exposure to environmental tobacco smoke (ETS) is a major health concern for Hamilton-Wentworth adults.
- Restaurants are a prime example of a public place where levels of ETS in non-smoking sections are perceived as unacceptable by the majority of customers (69%) who request non-smoking areas when dining out. Thus, current smoking regulations provide inadequate protection for the public.

References

1. Glantz, S.A. , and Smith, L.A. (1994). The Effect of Ordinances Requiring Smoke-Free Restaurants on Restaurant Sales. *American Journal of Public Health*; 84:1081-1085.
2. Environmental Protection Agency. (1992). Respiratory Health Effect of Passive Smoking: Lung Cancer and Other Disorders. Environmental Protection Agency/600/6-90/006F.
3. Repace, J.L, and Lowrey, A.H. (1992). Issues and Answers Concerning Passive Smoking in the Workplace: Rebutting Tobacco Industry Arguments. *Tobacco Control* 1, 208-219.

Table 1. Characteristics of Hamilton-Wentworth Adults in the 1995 Hamilton-Wentworth Health Survey

Characteristic		Non-Smokers ¹	Smokers ²	Hamilton-Wentworth Survey
		(%)	(%)	(%)
Age:				
	18 - 19	3	3	4
	20 - 44	47	61	53
	45 - 64	32	27	31
	65+	18	9	12
		<hr/>	<hr/>	<hr/>
		100	100	100
Sex:				
	Male	42	48	43
	Female	58	52	57
		<hr/>	<hr/>	<hr/>
		100	100	100
Marital Status:				
	Ever Married	75	60	71
	Never Married	21	26	22
	Living with a Partner	4	14	7
		<hr/>	<hr/>	<hr/>
		100	100	100
Highest Level of Education Completed:				
	No formal schooling;			
	Completed primary school	3	5	3
	Some secondary or high school	15	19	16
	Completed secondary or high school	29	35	31
	Some community college, technical college, CEGEP, or nursing program	6	9	7
	Completed community college, technical college, CEGEP, or nursing program	19	15	18
	Some university (not completed)	7	11	8
	University degree (completed)			
	Bachelor, Masters, PhD	21	6	17
		<hr/>	<hr/>	<hr/>
		100	100	100
Born in Canada:				
	Yes	79	86	80
	No	21	14	20
		<hr/>	<hr/>	<hr/>
		100	100	100
Frequency vote in municipal elections:				
	Always	70	57	66
	Sometimes	19	28	21
	Never	11	15	12
		<hr/>	<hr/>	<hr/>
		100	100	100
Household income:				
	Less than \$20,000	13	24	16
	\$20,000 to \$29,999	12	20	14
	\$30,000 to \$39,999	13	13	13
	\$40,000 to \$49,999	15	10	14
	Over \$50,000	47	33	43
		<hr/>	<hr/>	<hr/>
		100	100	100

¹ 73% of Hamilton-Wentworth citizens reported being non-smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

² 27% of Hamilton-Wentworth citizens reported being smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

Table 2. Percent of adults¹ supporting regulations to make all enclosed public places smoke-free, by smoking status² and by municipality: 1995 Hamilton-Wentworth Health Survey.

Municipality	Smoking Status		
	Non-Smokers ³ (%)	Smokers ⁴ (%)	Both Non-Smokers and Smokers (%)
Ancaster	87	45	83
Dundas	86	46	76
Flamborough	82	48	75
Glanbrook	81	18	66
Hamilton	83	33	66
Stoney Creek	90	38	78
Hamilton-Wentworth	84	35	71

¹ Responses from randomly selected citizens 18 years of age and older.

² Smoking Status consists of smokers (daily and occasional combined) and non-smokers

³ 73% of Hamilton-Wentworth citizens reported being non-smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

⁴ 27% of Hamilton-Wentworth citizens reported being smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

Table 3. Percent of adults¹ supporting regulations to make all enclosed workplaces smoke-free, by smoking status² and by municipality: 1995 Hamilton-Wentworth Health Survey.

Municipality	Smoking Status		
	Non-Smokers ³ (%)	Smokers ⁴ (%)	Both Non-Smokers and Smokers (%)
Ancaster	86	41	80
Dundas	91	48	81
Flamborough	80	43	74
Glanbrook	90	31	76
Hamilton	83	35	67
Stoney Creek	86	31	74
Hamilton-Wentworth	85	38	72

¹ Responses from randomly selected citizens 18 years of age and older.

² Smoking Status consists of smokers (daily and occasional combined) and non-smokers

³ 73% of Hamilton-Wentworth citizens reported being non-smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

⁴ 27% of Hamilton-Wentworth citizens reported being smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

Table 4. Percent of adults¹ supporting smoke-free public places, by type of public place, municipality, and smoking status²:
1995 Hamilton-Wentworth Health Survey.

Public Place	Ancaster (%)	Dundas (%)	Flamborough (%)	Glanbrook (%)	Hamilton (%)	Stoney Creek (%)	Non- Smokers ³ (%)	Smokers ⁴ (%)	Hamilton-Wentworth (%)
Places of Religious Assembly	94	91	94	94	88	94	94	82	91
Nursing Homes and Rest Homes	84	82	83	88	83	89	89	70	84
Business Reception Areas	86	86	84	86	80	91	89	69	84
Concert Halls and Live Theatres	92	85	78	86	78	86	89	63	82
Retirement Homes	82	81	82	85	79	86	87	65	81
Lobbies of Movie Theatres	84	80	79	82	76	85	87	58	79
Arenas and Recreation Centres	86	79	75	81	76	84	86	57	79
Lobbies & Common Areas of Apt. Bldgs.	84	81	76	81	73	83	86	55	78
Cafeterias	84	80	76	77	71	83	87	47	76
Fast Food Restaurants	85	84	77	74	69	80	86	45	75
Lobbies of Hotels and Motels	79	78	81	75	70	79	84	48	74
Food Courts in Malls	81	78	76	72	67	76	84	41	72
Donut and Coffee Shops	81	73	71	73	63	76	84	31	70
Full Service Restaurants	79	72	70	65	63	74	82	30	68
Bowling Alleys	77	71	73	67	58	73	78	32	66
Bingo Halls	79	71	68	67	59	72	80	28	66
Billiard Halls	68	65	64	66	54	64	75	25	60
Bars, Night Clubs and Pubs	67	60	54	54	43	50	66	13	51

¹Responses from randomly selected citizens 18 years of age or older.

² Smoking Status consists of smokers (daily and occasional combined) and non-smokers

³ 73% of Hamilton-Wentworth citizens reported being non-smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

⁴ 27% of Hamilton-Wentworth citizens reported being smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

Table 5. If public places became smoke-free, percent of adults¹ by municipality and smoking status² that would use or them about the same or more often: 1995 Hamilton-Wentworth Health Survey.

Public Place	Ancaster (%)	Dundas (%)	Flamborough (%)	Glanbrook (%)	Hamilton (%)	Stoney Creek (%)	Non-Smokers ³ (%)	Smokers ⁴ (%)	Hamilton-Wentworth (%)
Places of Religious Assembly	99	96	99	99	94	94	98	89	96
Arenas and Recreation Centres	98	95	97	95	91	93	99	79	94
Cafeterias	99	94	96	94	88	92	98	73	92
Food Courts in Malls	96	92	95	94	85	92	98	68	90
Bowling Alleys	95	88	89	88	83	88	98	59	87
Restaurants and Cafes	93	89	88	90	82	85	97	53	85
Donut Shops	93	85	91	86	81	84	97	52	85
Bingo Halls	97	89	88	92	79	82	98	53	84
Billiard Halls	94	79	83	88	74	78	96	43	79
Bars, Night Clubs, Pubs	91	80	84	80	71	79	97	35	77

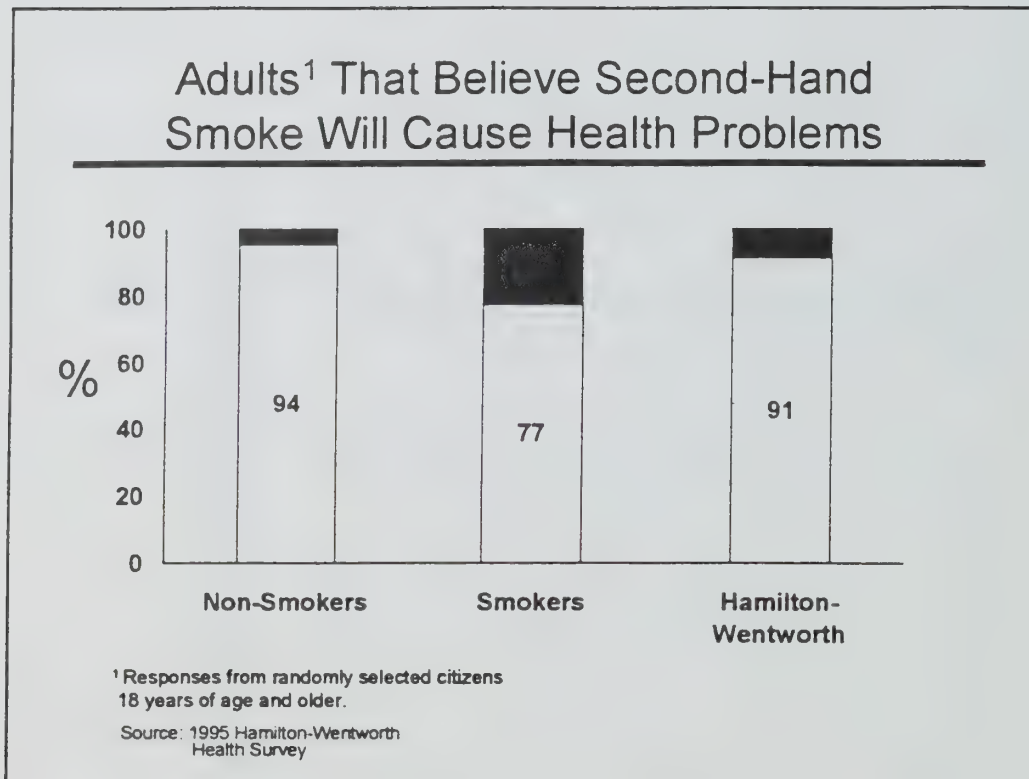
¹ Responses from randomly selected citizens 18 years of age or older.

² Smoking Status consists of smokers (daily and occasional combined) and non-smokers

³ 73% of Hamilton-Wentworth citizens reported being non-smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

⁴ 27% of Hamilton-Wentworth citizens reported being smokers in this survey. This is consistent with the 1990 Ontario Health Survey findings.

FIGURE 1



REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To The Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **NINTH** Report for 1996 and respectfully recommends:

1. That a "No Stopping" regulation be implemented on the east side of Graystone Drive commencing 254 feet north of the north curb line of Greyfriar Drive and extending to a point 76 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
2.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Allan Avenue commencing at a point 199 feet east of Harmony Avenue and extending to a point 23 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Keith Walker, No. 19 Allan Avenue.
3.
 - (a) That the existing "Permit Parking" regulation on the north side of Picton Street West commencing at a point 99 feet west of MacNab Street North and extending to a point 18 feet westerly therefrom be removed; and,
 - (b) That a "Permit Parking" regulation be implemented on the west side of Hughson Street North commencing at a point 240 feet south of the south curb line of Brock Street and extending to a point 18 feet southerly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (d) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Judy Simkins, No. 547 Hughson Street North.
4. That the existing "Permit Parking" regulation on the east side of Gibson Avenue commencing at a point 332 feet south of Barton Street East and extending to a point 22 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

5. (a) That a "Permit Parking" regulation be implemented on the east side of Roosevelt Avenue commencing at a point 124 feet south of Beach Road and extending to a point 25 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

 (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Mike Sokoloski, No. 8 Roosevelt Avenue.
6. That the existing "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation on the east side of Garside Avenue South which commences at a point 54 feet north of the north curb line of Bartonville Court and extends to a point 30 feet northerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
7. That a "No Parking, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of Bendamere Avenue between West 31st Street and West 32nd Street and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That the existing "Permit Parking" regulation on the east side of Weir Street North commencing at a point 31 feet south of Britannia Avenue and extending to a point 26 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the City Traffic By-law No. 89-72 be amended to allow for the existing "No Stopping" regulation on the north side of Haymarket Street commencing at the westerly end of Haymarket and extending to a point 104 feet easterly therefrom.
10. That the existing "Alternate Side Parking" regulation on Deschene Avenue between Hester Street and Washington Street be replaced with a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on both sides of the street in this block and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first two eligible applicants residing in the apartment building at No. 74 Locke Street North.

12. (a) That a "Permit Parking" regulation be implemented on the west side of Ray Street North commencing at a point 24 feet south of Florence Street and extending to a point 18 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Helen Qubaia, No. 110 Ray Street North.
13. (a) That the existing "No Parking" regulation on both sides of Upper Horning Road between Monteagle Court and Adis Avenue be replaced with an "Alternate Side Parking" regulation such that parking is prohibited:
 - (i) on the east side of the street during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
(b) That Upper Horning Road from Scenic Drive to Stone Church Road be removed from the "through street" system; and

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
14. (a) That the existing "No Parking" regulation on the west side of Barlake Avenue commencing at Hollydene Place and extending to a point 60 feet northerly therefrom be replaced with a "No Stopping" regulation from the north curb line of Barlake Avenue (south leg) and extending to a point 84 feet northerly therefrom; and

(b) That the City Traffic By-law No. 89-72 be amended accordingly.
15. That the existing by-law entry allowing for a "No Stopping" regulation on the south side of Glenvale Drive commencing at Garth Street and extending to a point 46 feet westerly therefrom be rescinded.
16. That four-way stop control be implemented at the intersection of Central Avenue and Wexford Avenue South, and that the City Traffic By-law No. 89-72 be amended accordingly.

17. (a) That the existing "No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday" regulation on the south side of Britannia Avenue/Cannon Street East between Kenilworth Avenue and Strathearne Avenue, be removed; and,
- (b) That four-way stop control be implemented at the intersections of Britannia Avenue and Tragina Avenue and Britannia Avenue and Fairfield Avenue; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.
18. That a purchase order be issued to Nedco, Hamilton Ont. for the supply and delivery of traffic signal cable as required by the Public Works and Traffic Department, being the lowest bid received and being in accordance with the specifications issued by the Purchasing Division's tender, and that the expenditure of \$62,905 including taxes be financed through the Traffic Signals Materials Account No. 56152 75999.

As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".

19. (a) That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be installed:

Route No. 56 Confederation Park

Add - Northbound - Centennial Parkway North, east side, 41 feet south of the south curb line of Violet Drive (N/S); and,

Add - Southbound - Centennial Parkway North, west side, 126 feet south of the south curb line of Eastgate Court (M/B); and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

20. (a) That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be removed and installed:

Route No. 7 Locke

Delete - Westbound - Hunter Street West, north side, 77 feet east of the east curb line (projected) of Park Street (M/B); and,

Delete - Westbound - Hunter Street West, north side, 37 feet east of the east curb line of Bay Street South (N/S); and

Add - Westbound - Duke Street, north side, 15 feet east of the east curb line of Bay Street South (N/S); and,

- (b) That the existing Hamilton Street Railway bus route designation on Duke Street from James Street South to Park Street South be extended westerly to Bay Street South; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.

21. (a) That the existing residential boulevard parking agreement registered as Instrument No. 131725 C.D. to the property at No. 157 Ferrie Street East be discharged, at the property owner's expense; and,
- (b) That the City Solicitor be authorized and directed to process the documents in relation to the discharge of this agreement; and,
- (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.

22. That Section 3 of the Fourteenth Report of the Transport and Environment Committee for 1987, approved by City Council on 1987 October 13, be rescinded in its entirety and replaced by:

- (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:

"the lands composed of part of an 11 foot alley, Registered Plan 224, being parallel to Tisdale Street South between King Street East and Main Street East, in the City of Hamilton, more specifically known as firstly, Parts 1, 2 and 3 on Plan 62R-5120 and secondly, Parts 1 and 2 on Plan 62R-13270, containing an area of 87.62 square metres (943.16 square feet)"; and,

- (b) That an Offer to Purchase (Highway Closure), duly executed by the Hamilton Automobile Club on 1996 May 17 and scheduled to close thirty (30) days after the conditions of the Offer have been fulfilled to the satisfaction of the City being on or before the 1996 December 6, for the lands composed of part of an 11 foot alley, Registered Plan 224, being parallel to Tisdale Street between King Street East and Main Street East, in the City of Hamilton, more specifically known as first, Parts 1, 2 and 3 on Plan 62R-5120, and secondly, Parts 1 and 2 on Plan 62R-13270, containing a total area of 87.62 square metres (943.16 square feet), more or less, as shown on Schedules "A" and "B" attached to the agreement, closed by Judge's Order dated 1993 December 21, registered as Instrument No. 174069 on 1994 January 14, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$4,480 be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (c) That the required deposit cheque in the amount of \$400 be held by the City Treasurer pending Council approval; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as Highway (Public Alleyway) closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act;
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act; and,

- (f) That an Offer to Purchase (Highway Closure) to be executed by Maindale Properties Limited and scheduled to close thirty (30) days after the conditions of the Offer have been fulfilled to the satisfaction of the City being on or before the 1996 December 6, for the lands composed of part of an 11 foot alley, Registered Plan 224, being parallel to Tisdale Street between King Street East and Main Street East, in the City of Hamilton, more specifically known as Parts 1 and 2 on Plan 62R-13270, containing 5.62 square metres (60.5 square feet), more or less, as shown on Schedule "A" attached to the agreement, closed by Judge's Order dated 1993 December 21, registered as Instrument No. 174069 on 1994 January 14, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$290, be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (g) That the required deposit cheque in the amount of \$30 be held by the City Treasurer pending Council approval; and,
- (h) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (i) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice will be given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as Highway (Public Alleyway) closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act.

23. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:
 - (i) **" BAR-BROCK ESTATES - PHASE 4 ", Hamilton**
 City's Share \$ NIL Subdivider's Share \$118,291.53
 - (ii) **" WISEMOUNT ESTATES - PHASE 7 ", Hamilton**
 City's Share \$ NIL Subdivider's Share \$39,182.60; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Bar-Brock Estates - Phase 4", and "Wisemount Estates" and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
 - (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
24. (a) That in accordance with By-law No. 89-72, Trimac Transportation Services be issued Annual Overload Permits for the year 1996 for eight (8) tractor-trailers to travel upon Burlington Street East, Windermere Road and Strathearne Avenue; and,
 - (b) That of the \$709.40 total carrying fee, 10 percent or \$70.94 be credited to City Account No. 25827011 (Overload Permit Fees).
25. (a) That the following City land be incorporated into the following streets:

Appleblossom Drive	Part 3	62R-13733
Brigadoon Drive	Block 13	62M-753; and,
 - (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
 - (c) That the Commissioner of Transportation be authorized and directed to register the by-laws.

26. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", attached hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Appendix "A" be set for the encroachments.
27. That the Ministry of Environment and Energy West Central Region be notified that the City of Hamilton has no comment regarding the Philip Environmental Inc.'s Application to Amend Provisional Certificate of Approval No. A100140 for Waste Disposal Site (Processing), 52 Imperial Street, Hamilton.
28. (a) That the West Central Region of the Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton has no objection to Dofasco Inc. receiving an amendment to its existing Provisional Certificate of Approval No. A100135 (No. 1 Acid Regeneration Plant) located at No. 1330 Burlington Street East, Hamilton, provided that all Provincial environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ministry of Environment and Energy, and that all applicable City and Regional by-laws are complied with fully; and,
- (b) That a copy of this report be submitted to the West Central Region Branch of the MOEE for its consideration in the preparation of the Provisional Certificate of Approval which would apply to the development and operation of the facility operated by Dofasco Inc.
29. (a) That the proposed narrowing of John Street North from a width of 8.6 m to 6.2 m from approximately 45 m north of Burlington Street to approximately 13 m northerly, as shown on Appendix "B" attached hereto, be advertised under Section 300 of the Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990 and that the necessary alteration By-law be prepared by the Commissioner of Public Works and Traffic in a form satisfactory to the City Solicitor and advertised by the City Clerk; and,

- (b) That the Commissioner of Public Works and Traffic be authorized and directed to undertake these works once all the approvals are received; and,
 - (c) That the cost of work estimated at \$1,600 be charged to Account No. CH56103 60144 - Sidewalks Special Projects.
30. That the by-laws be enacted to authorize construction of local improvements of the following:
- (a) Independent concrete sidewalks on the north side of Stone Church Road from Upper Wellington Street to Upper Wentworth Street; and,
 - (b) Concrete alley, first south of Hunter Street from Bay Street to approximately 83.5 m westerly (east-west portion only).
31. (a) That in accordance with the Provincial Government's 3 Rs Regulations which mandate leaf and yard waste composting, the Commissioner of Public Works and Traffic be authorized to implement a leaf and yard waste collection program, on a six-month trial basis, in accordance with the following criteria:
- (i) Leaf and yard waste will be collected separately from regular household garbage and recyclables; and,
 - (ii) The collection period will be from April 15th to December 15th and a Christmas tree collection in January; and,
 - (iii) Collection will be on an every other week basis with collection days designated as per the attached Appendix "C"; and,
 - (iv) There will be no leaf and yard waste collection for statutory holidays nor will there be "make up" days for lost statutory day collections; and,
 - (v) Leaf and yard waste will only be collected when properly placed at curbside and packaged in clear plastic bags with a thickness of at least 1.5 thousandths of an inch, not more than 2.75 cubic feet, capable of holding 50 lbs or 22 kg; or in suitable reusable garbage cans/containers designated by the official leaf and yard waste logo as illustrated in Appendix "D"; or in the case of brush and garden debris tied in compact bundles not more than four feet in length; and,

- (vi) The Department of Public Works and Traffic will make available and distribute through the mail, vinyl stick on leaf and yard waste logos for use by residents in designating specific reusable containers for leaf and yard waste, on a request basis and for an amount of \$1 each sticker; and,
 - (vii) Each individual "lift" of leaf and yard waste ie. each bag or container of material shall not exceed 50 lbs or 22 kg; and,
 - (viii) Grass clippings will not be collected. Property owners will be encouraged to recycle grass clippings onto their lawn, or compost grass clippings or take them directly to their local transfer stations; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to inform the Citizens of Hamilton and affected agencies of the leaf and yard waste collection program through local media, promotions and educational seminars as may be required and within existing budgets; and,
 - (c) That in order to facilitate a program start which recognizes operational issues for both the City of Hamilton and the Region of Hamilton-Wentworth, the program start date for 1996 be September 16.
32. (a) That the construction of forty (40) concrete apron approaches estimated at \$57,000 on the south side of Stone Church Road East between Upper Wentworth Street and Upper Wellington Street be funded from the 1996 Capital Levy (City's Share of Locals - Residential); and,
- (b) That the Commissioner of Transportation be authorized and directed to construct these works on behalf of the City of Hamilton; and,
- (c) That the Commissioner of Environment be requested to review the policy concerning construction of approaches under Schedule "E" of City of Hamilton Subdivision Agreements.
33. (a) That authorization be given to the Commissioner of Public Works and Traffic to issue a purchase order in the amount of \$306,571.26 inclusive of G.S.T. (\$20,056.06) to commission H.I.P. Hot-in-place Recycling Equipment Inc. of Agincourt, Ontario to supply all necessary labour, materials and equipment to undertake hot in-place recycling of asphalt paving on various City streets, this being the lowest quotation received in accordance with the specifications issued by the Purchasing Division, Ref: C15-20-96; and,

- (b) That this expenditure be financed from residual funds available in the 1995 Reconstruction Program Account No. CF5295 42001; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor; and,
 - (d) That the Commissioner of Transportation be authorized and directed to undertake the road improvements on Inverness Avenue East between Upper Wentworth Street and East 15th Street in conjunction with the Regional sewer work at an estimated cost of \$93,000; and,
 - (e) That this expenditure be financed from Account No. CF5295 42001 - 1995 Reconstruction Program; and,
 - (f) That the 7% overhead charges by the Region estimated at \$250,000 not eligible for funding in the Canada/Ontario Infrastructure Works Projects M16101-07 and M16101-08 be financed from the 1995 Reconstruction Program Account No. CF5295 42001.
34. That the City Traffic By-law No. 89-72 be amended to provide that vehicles displaying Ministry of Transportation "Disabled Person Parking Permits" may be parked at on-street parking meters without depositing coins in the meter, but only for a maximum of three consecutive hours.
35. (a) That Alderman H. Merling, Alderman T. Jackson and Alderman B. Charters be appointed to work with the Region in the landfill site remediation/environmental monitoring operations for the Upper Ottawa Landfill Site to ensure that the Region's actions harmonize with the City's current and future operation; and,
- (b) That the Region be requested to consider the above recommendation and requested to forward a summary report to the City on the environmental issues as they understand them, with associated proposals for remedial action.
36. That ceremonial "Liszt Avenue" street designation signs honouring the composer Franz Liszt be installed on MacNab Street from King Street to Hunter Street and that the cost for this undertaking be financed by private donations; and,
37. That parking fees be waived at all municipal parking lots within the downtown core from Friday evening to Sunday evening.

38. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-31 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-13733 into Appleblossom Drive
 - (b) A-32 A By-law to Incorporate City Land Designated as Block 13 on Plan 62M-753 into Brigadoon Drive
 - (c) A-33 A By-law to Authorize the construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks on the north side of Stone Church Road from Upper Wellington Street to Upper Wentworth Street
 - (d) A-34 A By-law to Authorize the construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of a concrete alley first south of Hunter Street from Bay Street to approximately 83.5 m westerly (east-west portion only)
 - (e) A-35 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (f) A-36 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (g) A-37 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 June 17

Appendix "A" as referred to in
Section 26 of the NINTH Report
of the Transport and Environment
Committee for 1996

Location	Municipal Address	Owner	Type of Encroachment	First Year/ Annual Fee
Grosvenor Avenue North	294 Grosvenor Avenue North	Ronald E. Spencer	Existing porch measuring approximately 6' x 0" wide encroaching approximately 1' - 0" onto Grosvenor Avenue North	\$138/\$20
King Street East and St. Clair Avenue	904 King Street East	1112824 Ontario Ltd.	A portion of the building measuring approximately 0.63' x 20' - 0" encroaching onto St. Clair Avenue	\$138/\$20



Week 1
Week 2
Dividing Line

Appendix "C" (page 1) as referred to in Section 31 of the NINTH Report of the Transport and Environment Committee for 1996

WEEK 1



WEEK 2



Appendix "D" as referred to in
Section 31 of the NINTH
Report of the Transport and
Environment Committee for 1996



SIZE APPROX. 16" (.40 m) DIAMETER



Project **LEAF & YARD WASTE
COMPOSTING PROGRAM**

Title **DECAL FOR OTHER PUBLIC
WORKS VEHICLES**

Date **SEPT. 1994**

Scale **N.T.S.**

Dwg. No.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **NINTH** Report for 1996 and respectfully recommends:

1. That approval be given to deaccession and transfer the items listed on Appendix "A", attached hereto, to Dundurn Castle for archival and research purposes.
2. That the Director of Culture and Recreation be authorized to apply for a grant under Human Resource Development Canada's Canadian Jobs Strategy Section 25 Programme to request the position of Museum Assistant for a period of up to 52 weeks at no cost to the City.
3. (a) That approval, as required by Parks By-law No. 95-126, Section 37, be given to the Friends of the Hamilton Children's Museum to bring animals into Gage Park on the occasion of the 18th Birthday Party for the Hamilton Children's Museum to be held on 1996 July 18 (raindate 1996 July 19) subject to the following terms and conditions:
 - (i) That proof of insurance be provided in the amount of \$2 million for Comprehensive General Liability, Property Damage, Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the exhibitors assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be approved at the applicant's expense; and,
 - (iv) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team; and,
- (b) That approval, as required by Parks By-law No. 95-126, Sections 29, 30 and 33, be granted for seven exhibitors to park their cars/trucks and trailers on the grass at the east and south sides of the south parking lot at the Hamilton Children's Museum during the Birthday Party event on 1996 July 18 (raindate 1996 July 19); and,

- (c) That approval be granted to the Director of Culture and Recreation to contract the Krasic Group to barbecue and sell food and beverages during the Hamilton Children's Museum's Birthday Party to be held on 1996 July 18 (raindate 1996 July 19) in Gage Park and that twenty percent of the gross sales from the concessions from the Krasic Group be deposited in the Hamilton Children's Museum Trust Account No. CH 4X999 00403 - Friends of the Hamilton Children's Museum.
- 4.
 - (a) That approval be granted to the Director of Culture and Recreation to contract John Bokstein to barbecue and sell food and beverages, Mr. Frosty to sell ice cream and The English Butler to sell giftwares during the Canada Day Tattoo to be held on 1996 July 1 and An Evening in Scotland on 1996 August 25 in Dundurn Park; and
 - (b) That John Bokstein and Mr. Frosty sell food as noted above during the "Made by Hand" special event held on July 6-7 in Dundurn Park; and,
 - (c) That twenty-five percent of the gross sales from the concession from John Bokstein, Mr. Frosty and The English Butler be deposited in the following accounts:
 - (i) Proceeds from the Canada Day Tattoo to the Hamilton Military Museum Account No. CH 48098 71105; and,
 - (ii) Proceeds from An Evening in Scotland to be split between the Hamilton Military Museum Account No. CH 48096 71105 and Dundurn Castle Trust Account No. CH 4X999 00408; and,
 - (iii) Proceeds from "Made by Hand" to Dundurn Castle's Trust Account No. CH 4X999 00408.
- 5. That the Director of Culture and Recreation be authorized to charge a flat fee of \$5,000 per year for rental of baseball diamonds to Slo Pitch Ontario for the Ontario Provincial Championships through 1999.
- 6. That the Director of Culture and Recreation be authorized to waive greens fees in order to host the Ontario Ladies' Golf Association Sectional Foursome on 1996 August 12, 9 o'clock a.m. at King's Forest Golf Course.
- 7. That approval be granted to the Caribbean Canadian African Community to charge \$3 for parking of vehicles in Bayfront Park on the occasion of their festival on 1996 August 17 and August 18 in Bayfront Park from 12:00 o'clock noon to 11:00 o'clock p.m.

8. That approval be given to Secondary Press to host the Fourth Annual Beasley Park Amateur Skateboard Jam and Street Art Competition on 1996 July 20 and July 21, from 11:00 o'clock a.m. to 6:00 o'clock p.m. in Beasley Park, subject to the following terms and conditions:
 - (a) That proof of insurance be provided in the amount of \$3 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assumes responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That a Special Duty Officer, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (d) That Secondary Press enters into a Licence Agreement satisfactory to the City Solicitor; and,
 - (e) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
9. That the rain check policy for Chedoke-Beddoe and Martin and King's Forest Golf Courses read as follows:
 - (a) Full 18 hole rain checks will be issued upon presentation of validated greens fee ticket if the course is closed for whatever reason by the Superintendent or the Pro in the absence of the Superintendent; and,
 - (b) No rain checks will be issued because of rain only.
10. That approval be given for the City to enter into a Licence Agreement, satisfactory to the City Solicitor, with Friends of Gage Park to use the Concession building in Gage Park for one (1) operating season, with an option for the City to renew, for a further three (3) operating seasons, with an additional option to renew for a further three operating seasons subject to the following terms and conditions:
 - (a) The term of the agreement shall be 1996 July 1, to 1996 September 30, and for subsequent years, May 15th to September 30th; and,
 - (b) That the net profits derived from the operation be provided to the City for the purposes of park improvements; and,

- (c) That the Friends of Gage Park be required to provide a minimum of \$3 million Comprehensive General Liability for Property Damage and Bodily Injury, and including Products Liability, subject to cross-liability and severability of interest provisions, naming the City of Hamilton as co-insured; and,
 - (d) The hours of operation will generally be between 4:30 o'clock p.m. and 7:30 o'clock p.m. during May, June and September and between the hours of 11:00 o'clock a.m. and 8:00 o'clock p.m.. during July and August; and,
 - (e) That the Concession building be used only for selling food and non-alcoholic beverages, and souvenir type products; and,
 - (f) That the products to be sold be subject to approval of the Director of Culture and Recreation; and,
 - (g) That the Friends of Gage Park be required to pay utility costs calculated on a flat fee per month basis; and,
 - (h) That the Friends of Gage Park maintain the Concession area at its own expense to the satisfaction of the Director; and,
 - (i) That the Friends of Gage Park be restricted from operating the concessions during major festivals, being It's Your Festival and Festival of Friends, unless specific approval to do so has been obtained in writing from the Festival organizers.
11. (a) That the City of Hamilton renew the existing land lease with the Macassa Bay Yacht Club which expires on 1996 November 30 for a new term of twenty (20) years, commencing 1996 December 1 and expiring on 2016 November 30, at the following rental rates:
- (i) 1996 December 1 to 2001 November 30 at a rental rate of \$12,500 plus taxes; and,
 - (ii) 2001 December 1 to 2016 November 30 at a rental rate equal to the original rate (\$12,500) plus the yearly accumulated increase in the Consumer Price Index as published by Statistics Canada over the previous five (5) year period calculated on 2001 December 1, 2006 December 1 and 2011 December 1, plus taxes; and,
- (b) That the rent received be credited to Account No. CH44104 31106 (Rental Civic Property - Civic Properties Rented); and,
- (c) That the City of Hamilton grant conditional approval to the Lessee to construct a new two storey Clubhouse subject to Lessee:

- (i) agreeing that the City of Hamilton shall not be obligated to pay any undepreciated capital improvement costs, in the event the lease is terminated without renewal or ends after any renewal period or in the event that the lease is terminated, cancelled or ends; and,
 - (ii) at their sole expense applying for and obtaining site plan approval and a building permit; and,
 - (iii) causing all building plans to be approved by the Commissioner of Public Works and Traffic prior to the commencement of construction; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the Lease Agreement in a form satisfactory to the City Solicitor.
12. (a) That approval as required by Parks By-law No. 95-126, Section 11(2) and Section 32 be given to the Grey Cup 1996 Hamilton Inc. to have alcohol and extend the hours of entrance in a park as follows:

Alcoholic Beverages in a Park

- (i) Brian Timmis Stadium -
1996 November 24 from 2 o'clock p.m. - 2:00 o'clock a.m.
- (ii) Scott Park Baseball Diamonds -
1996 November 24 from 2 o'clock p.m. - 2:00 o'clock a.m.
- (iii) Scott Park Arena -
1996 November 24 from 2 o'clock p.m. - 2:00 o'clock a.m.

subject to the following terms and conditions:

- (aa) That proof of insurance satisfactory to the City Solicitor be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
- (bb) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
- (cc) That alcoholic beverages may be served in the confined area of a tent and arena on the above mentioned dates and times, upon receipt of approval of the Liquor Licence Board of Ontario; and,

- (dd) That the applicant adhere to the regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcohol; and,
- (ee) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
- (b) That those organizers and their workers who are providing Alcoholic Beverages be encouraged to participate on a volunteer basis, in a "Server Intervention Training Program"; and,
- (c) That the Grey Cup '96 Hamilton Inc. Committee enter into a licence agreement satisfactory to the City Solicitor; and,
- (d) That the parking lots north of Cannon west of Balsam and south of Cannon west of Balsam be under the direction and use of the Grey Cup '96 Hamilton Inc. Committee for festival use on 1996, November 23 & 24; and,
- (e) That normal rent charges for Ivor Wynne Stadium for the week leading up to the Grey Cup Game/festivities be waived for the pre-game practices and event set-up; and,
- (f) That additional labour charges related to a late snow storm that may impede the stadium operation for the Grey Cup Game be paid by the Grey Cup Committee at the expense of \$51/hour and/or \$68 at double time if necessary; and,
- (g) That the following rental permit fees totalling \$50,740.84 be paid by the Grey Cup '96 Hamilton Inc. Committee as follows:

Liquor Licence processing fee	100
Gore Park - \$50.00/day rental fee	200
Scott Park Arena rental fee	12,000
Scott Park Baseball Diamonds - damage/repair deposit	1,000
Brian Timmis Field - damage/repair deposit	1,000
Ivor Wynne Stadium - Game Day rental fee	500
Game Day utility and operational costs at Ivor Wynne	\$35,940.84
Total fees	\$50,740.84

- (h) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
- (i) That staff be authorized to work with the Grey Cup '96 Hamilton officials to develop a strategy to allow access and egress for affected area residents adjacent to the stadium.

13.
 - (a) That the purchase of service agreement with the Hamilton YWCA for delivery of seniors recreation services be increased by an amount of \$37,773 for 1996 only for the purposes of expanding seniors' recreation programs at the Ottawa Street YWCA and at the MacNab Street YWCA; and,
 - (b) That the Treasurer and the Director of Culture and Recreation be authorized to issue a cheque in the approved amount, charged to Account No. 56612 78052 (\$10,249) and Account No. 56612 78056 (\$27,254), on the understanding that this unbudgeted amount has been made available due to savings in not filling one full-time position in the Community Services Division for the remainder of 1996; and,
 - (c) That the Hamilton YWCA be encouraged to submit a grant application for consideration during the 1997 current budget process.
14. That approval be granted to extend the Purchase Order previously granted to Iceco Arena Services and Equipment Inc. as approved by Council on 1996 March 26 as Section 24 of the Fifth Report of the Parks and Recreation Committee for 1996, for a further period commencing 1996 June 24 and concluding 1996 September 29, at a cost of \$134,869.44 inclusive of G.S.T. for the ice maintenance, cleaning and administration of the Chedoke Twin Pad Arena.
15.
 - (a) That, within the context of the existing lease arrangement with Scott-MacDonald Limited, staff be authorized to act on the following terms and conditions:
 - (i) A public pedestrian access shall be retained by the City extending across that part of the land being leased comprised of the existing asphalt path installed by the City, upon the following terms:
 - (aa) access is open to public use weekends (Friday to Sunday) extending from 1996 June 7 to 1996 September 2 inclusive, plus any "long" holiday weekends during the aforementioned months; and,
 - (bb) The hours of access shall be Friday 5:00 p.m. to 10:00 p.m.; Saturday, 9:00 a.m. to 10:00 p.m., Sunday 9:00 a.m. to 10:00 p.m. and on any statutory holiday from 9:00 a.m. to 10:00 p.m.; and,
 - (cc) Access shall be for the sole purposes of enabling the public to pass between Pier 4 Park and Bayfront Park; and,
 - (ii) During such times the pedestrian access is open to the public,

- (aa) the City shall indemnify the Lessee against any claim which may arise as a result of the public's use of the access, (excepting claims for business losses of the Lessee); and,
 - (bb) the City shall provide, at its cost, one (1) security guard to be stationed along the public access, to control activity thereon at a cost of \$5,675.28 for weekend openings between June 7 and September 2 inclusive; and,
 - (cc) the City shall provide, at its cost, regular cleanup of debris as a result of the public's use of the access; and,
 - (b) That the costs associated with this initiative be charged against General Park Maintenance 621020.
16. (a) That an amount of \$5,000 be provided to assist in defraying the overall cost associated with hosting the first Joint Conference of the Ontario Association of Cemeteries and the Ontario Funeral Services Association being held at Hamilton Convention Centre, 1996 September 15 to September 18; and,
- (b) That the Finance and Administration Committee recommend the method of financing.
17. That the new Cremation Section at Mount Hamilton Cemetery be named the "William Morden Urn Garden" in memory of William Allen Morden who lost his life while performing his duties as an employee of the City of Hamilton.
18. (a) That the City enter into an agreement with the Greater Hamilton Food Share for the use of the following City owned lands for Community Garden Projects, be approved:
- (i) Part of 2400 King St E - 36m (118ft) x 66m (216ft), more or less; and,
 - (ii) Part of 169 Mud St - 66m (216ft) x 66m (216ft), more or less; and,
 - (iii) Part of 1530 Upper Sherman (Billy Sherring Park) - 66m (216ft) x 66m (216ft), more or less; and,
 - (iv) Part of 1086 West 5th (Connell Park) - 50m (165ft) x 50m (165ft), more or less; and,

- (v) Part of 948 Mohawk Rd W (Olympic Park) - 40m (130ft) x 55m (180ft), more or less; and,
- (vi) Part of 140 Lake Ave N - 38 m (125ft) x 44m (145ft), more or less; and,
- (b) That the City Solicitor be directed to prepare the necessary agreement; and,
- (c) That this approval continue until such time as the subject lands are required for municipal purposes, as long as the Greater Hamilton Food Share comply with the terms of the above noted agreement; and,
- (d) That all costs and labour associated with the preparation, planting, providing of water, harvesting, signing, reinstatement and security of the garden project site are to be borne by the Greater Hamilton Food Share; and,
- (e) That the City during the term of this agreement prescribe the hours of operation of the project; and,
- (f) That the Greater Hamilton Food Share provide proof of premises and operation insurance in the amount of no less than \$2,000,000 for bodily injury, death and damage to property, including loss of property, naming the City as an additional insured; and,
- (g) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1996 June 18

Appendix "A" as referred to in
Section 1 of the Ninth Report of
the Parks and Recreation Committee
for 1996

Accession Number	Subject
OC.571.1	View on James Street 1871
OC.566.1	Dundurn Castle (front view)
979.OC.266.26	Historic House
OC.568.1	View of City of Hamilton
979.OC.509.1	Portrait of a Gentleman
979.OC.269.30	Gage Homestead
OC.565.1	Watercolour - proposed Dundurn Bathing Park
OC.566.2	Dundurn Castle (rear view)
979.OC.228.1	Photo: Hamilton
979.OC.336.1	"How Hamilton was Financed"
979.OC.266.29	Board of Clark Management Certificate
OC.123.10	Photo: United Empire Loyalists
1979.34.1	Portrait
979.OC.271.8	Sketch of Mountain Drive
1979.OC.234.1	"The Gore Gazette"
OC.226.1	Newspaper clippings of Dundurn Castle

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TENTH** Report for 1996 and respectfully recommends:

1. (a) That Subdivision Application SAC-95-03, "Eagleview Estates", Harp Homes Inc. and L. Vasilak, owners, as revised in red, requesting approval of a draft plan of subdivision, comprising of 7 lots for small lot single family dwellings, 18 lots for single detached dwellings, 2 blocks for road widenings, and 11 blocks for future development with adjacent lands as single detached dwellings, under Regional File 25T-95014(R), as shown on the attached map marked as APPENDIX "A", be approved on the following basis:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated 1995 May 10, showing 7 lots for small lot single family dwellings (Lots 1-7 inclusive), 18 lots for single detached dwellings (Lots 10-27 inclusive), 2 blocks for road widenings (Blocks 39 and 40), 3 blocks for 0.30m reserves (Blocks 8, 9 and 41) and 11 blocks for future development with adjacent lands as single detached dwellings (Blocks 28-38 inclusive); and,
 - (ii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That Blocks 28 - 38 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands; and,
- (x) That the Owner provide a functional servicing report for this development in order to accommodate the external drainage areas to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (xi) That a 5 x 5 metre landscaping daylight triangle at the north corner of Dulgaren Street and Upper Sherman Avenue be established if access is permitted for Lot 1 onto Dulgaren Street, and that, if access for Lot 1 is permitted onto Dulgaren, access be restricted to the east limit of Lot 1; and,
- (xii) That in order to ensure adequate access is provided to the subject lands, all required roadway connections within the Plan of Subdivision to Upper Sherman Avenue and Eleanor Avenue be established and constructed to the full width, prior to development of the subject lands to the satisfaction of the Manager of Traffic Planning, Traffic Division, Department of Public Works and Traffic; and,
- (xiii) That the Final Plan of Subdivision be revised to provide a 2 x 2 metre daylight triangle for road widening purposes at the north-west corner of Lot 23; and,
- (xiv) That the Owner dedicate Blocks 39 and 40 for road widening purposes to the Regional Municipality of Hamilton Wentworth and that Blocks 39 and 40 have a minimum width of 5.18m; and,
- (xv) That prior to the creation of Blocks 30, 31, 32, 33, 34 and 35, Dulgaren Street be closed and disposed of by the City; and,
- (xvi) That Dulgaren Street, west of Eleanor Street and east of the subject lands, must be constructed to its full width to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (xvii) That the owner provide any temporary turning circles or cul-de-sacs required at the termination of any streets to the satisfaction of the Manager of Development, Regional Environment Department. These details are dependent on the development staging of adjacent lands and will be confirmed at such time as the subdivision plan is registered and construction drawings submitted for review and approval; and,

- (xviii) That Blocks 36 and 37 not be registered until such time as Block 37 has direct frontage along a public highway in accordance with the City of Hamilton Zoning By-law No. 6593; and,
- (xix) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,
- (xx) That the owner enter into a subdivision agreement with the City of Hamilton and the Region of Hamilton-Wentworth to satisfy all financial and engineering requirements of the City and Region, prior to the development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95014(R)), Harp Homes Inc. and L.Vasilak, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,
- (d) That amended Zoning Application ZAC-95-13, Harp Homes Inc. and L. Vasilak, owners, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District for Block "1", from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District for Block "2", and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "3" and "4", as shown on the attached map marked APPENDIX "B" be approved on the following basis:
 - (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (iv) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

- (vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That approval be given to Zoning Application 96-04, George Lima, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, for property located at 18 Homewood Avenue, shown on the attached map marked as APPENDIX "C", on the following basis:
- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,
 - (b) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, the existing building may be used as a multiple dwelling containing not more than four (4) Class "A" dwelling units, subject to the Residential Conversion Requirements of Section 19; and,
 - (ii) That notwithstanding Section 18A (11) & (12) of Zoning By-law No. 6593, a landscaped planting strip having a minimum width of 1.5 m (5.0 ft) shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscaped planting strip, except for the area occupied by the existing garage; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1362, and that the subject lands on Zoning District Map W-14 be notated S-1362; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14 for presentation to City Council; and,
 - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

3. (a) That approval be given to Official Plan Amendment No. 135 to redesignate lands from "Major Institutional" to "Residential" and "Open Space" (as shown on APPENDIX "D" attached hereto); to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area (as shown on APPENDIX "E" attached hereto); and to establish new policies relating to the introduction of a new Schedule "J-1" for lands owned by Chedoke Health Corporation, bounded by Rice Avenue, Mohawk Road West, Magnolia Drive and Scenic Drive; and,
- (b) That the Mountview Neighbourhood Plan be amended in accordance with Schedule "J-1" of Official Plan Amendment No. 135; and,
- (c) That approval be given to City Initiative OPA-MTV, Chedoke Health Corporation, owner, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Recreation and Open Space) District for Block "1"; from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District for Block "2"; from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District for Block "3"; from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District for Block "4"; for modifications to the established "AA" (Agricultural) District regulations applicable to Block "5"; and from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District, modified for Block "6", for property located in the Mountview Neighbourhood, bounded by Rice Avenue, Mohawk Road West, Magnolia Drive, and Scenic Drive, as shown on the attached map marked as APPENDIX "F", on the following basis:
- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Recreation and Open Space) District; and,
- (ii) That the amending By-law apply the holding provision of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District for Block "2". The holding provision will prohibit the development of the subject lands until such time as the following conditions have been fulfilled:
- (1) Servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department; and,
- (2) Approval of a draft plan of subdivision has been granted by the Regional Municipality of Hamilton-Wentworth.
- City Council may remove the 'H' symbol, and thereby give effect to the "C" District - modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,

- (iii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,
- (iv) That the amending By-law apply the holding provision of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "3" and "4", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District for Blocks "3" and "4". The holding provision will prohibit the development of the subject lands until such time as the following conditions have been fulfilled:
 - (1) Servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department; and,
 - (2) Completion of noise mitigation measures, to the satisfaction of the Ministry of Environment and Energy, to address noise generated from the hospital laundry facility.

City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" and "DE-3" District - modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,
- (v) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District; and,
- (vi) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building or structure shall exceed one and one-half (1-1/2) storeys and 9.5 m (31.16 feet) in height; and,
 - (2) That notwithstanding Section 10E.(2) of Zoning By-law No. 6593, a community centre with a capacity of not greater than sixty persons, only to be used in conjunction with and accessory to the principal use shall be permitted; and,
- (viii) That Block "4" be rezoned from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District; and,
- (ix) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only one of the following uses shall be permitted:
 - (aa) a Home for Elderly Persons, restricted to housekeeping units with or without culinary space, in a building of not greater than six storeys in height; or,
 - (bb) townhouse dwelling units subject to Section 10E of Zoning By-law No. 6593 and the provisions of Section (c)(vi)1. of this By-law; and,
- (2) In addition to the permitted uses specified in Section (c)(ix)1.(aa) of this By-law, an amenity centre of not less than 500 square metres, accessory to the residential use specified in Section (c)(ix)1.(aa) of this By-law, shall be required;
 - (aa) for the purposes of this By-law, "Amenity Centre" shall include one or more of the following uses:
 - 1) Administrative Offices;
 - 2) Chapel;
 - 3) Library;
 - 4) Activity and Exercise rooms;
 - 5) Lounges;
 - 6) Dining Room;
 - 7) Variety Store;
 - 8) Hairdresser.
- (x) That Block "6" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District; and,
- (xi) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, applicable to Blocks "5" and "6", be modified to include the following variances as special requirements:
 - (1) that notwithstanding Section 7A.(1), only the following uses shall be permitted:
 - (aa) a public and private hospital and accessory uses thereto;
 - (bb) a day nursery;
 - (cc) a public parking lot in accordance with the regulations of Section 13C of Zoning By-law No. 6593;
 - (dd) a residential care facility for not greater than 40 persons;
 - (ee) a sanatorium;
 - (ff) medical offices;

- (gg) laboratory.
- (2) that notwithstanding Section 7A.(2) of Zoning By-law No. 6593, the following height restrictions shall apply:
 - (aa) except as provided in clause 2(bb), where a building or structure is distant not greater than 30.0 metres from a Residential District as specified in Section 2(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed three storeys; and,
 - (bb) where a building or structure is distant not less than 30.0 metres from a Residential District as specified in Section 2(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed six storeys; and,
- (3) Section 18.(2)(iia) of Zoning By-law No. 6593 shall not apply to Blocks "5" and "6"; and,
- (xii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363, and that the subject lands on Zoning District Maps W-36 and W-37 be notated S-1363; and,
- (xiii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,
- (xiv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 135; and,
- (d) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding Blocks "5" and "6" to Schedule "A"; and,
- (e) That the Ontario Municipal Board and the Regional Municipality of Hamilton-Wentworth be advised that this report, including the recommended Official Plan Amendment and rezonings, represent the consensus position of Hamilton City Council, the Mountview Mediation Committee, and Chedoke Health Corporation on the proposed development of the lands owned by Chedoke Health Corporation; and,
- (f) That the Ontario Municipal Board be requested to direct the Regional Municipality of Hamilton-Wentworth to resume the file on the Mountview Neighbourhood and approve the Official Plan Amendment.

- (g) That the residents' concerns respecting traffic at the intersection of Magnolia Drive and Lavina Crescent and at the intersection of Sanatorium Road and Rice Avenue and the ongoing concerns respecting the installation of a storm water retention pond be addressed through the Subdivision process.
4. That approval be given to City Initiative 96-F respecting the elimination of the density requirement (ie. min. 65 m² of lot area/unit) for multiple dwellings in the "I" District, on the following basis:
- (a) That the "I" (Central Business District, etc.) District regulations as contained in Section 15 of Zoning By-law No. 6593, be amended as follows:
 - (i) That Section 15.(4)(iii) be amended by deleting the words "or of at least 65.0 square metres (699.68 square feet) per dwelling unit, whichever is the greater, and" in the third, fourth and fifth lines thereof; and,
 - (ii) That Section 15.(5) be renumbered as Section 15.(5a); and,
 - (iii) That a new Section 15.(5b) be added as follows:

"15.(5b) Notwithstanding subsection (5a), for multiple dwellings the maximum gross floor area shall not be more than 2.85 times the area of the lot."
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
5. That approval be given to City Initiative 96-E for a modification to Zoning By-law No. 6593 for the Westdale South Neighbourhood, as shown on the attached map marked as APPENDIX "G", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, "G" (Neighbourhood Shopping Centre, etc.) District and "H" (Community Shopping and Commercial, etc.) District on the following basis:
- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That the total gross floor area of all dwelling units or parts thereof on each lot shall not exceed 0.45 times the lot area; and,

- (ii) Notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
 - (1) an attached garage;
 - (2) a detached garage;
 - (3) the floor occupied by heating, air conditioning and laundry equipment; and,
- (iii) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9; and,
- (iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade; and,
- (v) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,
- (vi) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale South Neighbourhood; and,
- (b) That notwithstanding Section 10.(1)(i) of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 9 and Section 1.(a) of this By-law; and,
- (c) That notwithstanding Section 11.(1)(i) of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 9 and Section 1.(a) of this By-law; and,
- (d) That notwithstanding Section 13.(1)(i) of Zoning By-law 6593, a single family dwelling is permitted subject to the provisions of Section 9, and Section 1.(a) of this By-law; and,
- (e) That in addition to the requirements of Section 14 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this By-law; and,
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1361, and that the subject lands on Zoning District Maps W-22, W-23, W-32, W-33, W-34, W-39 and W-40 be notated S-1361; and,

- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-22, W-23, W-32, W-33, W-34, W-39 and W-40 for presentation to City Council; and,
 - (h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
6. (a) That the City Solicitor be authorized and directed to amend Section 6 of Land Drainage By-law No. 80-245, as amended, to include items (i) to (v) inclusive as follows:
- (i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the Commissioner of the Regional Environment Department, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,
 - (ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,
 - (iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,
 - (iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,
 - (v) Roof leaders shall not discharge directly onto a sidewalk or driveway; and,
- (b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,
- (c) That the City request that the Region be directed to further review the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual, June 1994" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton.
7. (a) That a fee of \$800, including certification be set for a consent application to the Committee of Adjustment under Section 53 of The Planning Act; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate By-Law amendment to By-Law No. 92-093, respecting fees payable for applications to the Committee of Adjustment.

8.
 - (a) That a review of the City administered rehabilitation loan programs be undertaken with a view to streamlining and strengthening policies and procedures, and focussing and maximizing the goals and benefits of the loan programs; and,
 - (b) That the review be conducted by an inter-departmental staff team convened and chaired by the General Manager, Housing and Loans Division, Building Department; and,
 - (c) That a recommendation report from the Building Commissioner on the loan programs be brought back to the Planning and Development Committee by 1996 November 1.
9.
 - (a) That the City Solicitor prepare a By-law incorporating the necessary amendments to the procedural By-law in accordance with the Municipal Act which delegates the responsibility for holding public meetings to the Planning and Development Committee to include responsibility for public meetings on subdivision applications; and,
 - (b) That the City of Hamilton, on behalf of the Region, give notice and hold the formal public meeting with respect to Draft Plans of Subdivision; and,
 - (c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
10.
 - (a) That the Main Street West Esplanade Business Improvement Area (B.I.A.) boundaries be expanded to include Main Street West from Dundurn Street to Locke Street; and,
 - (b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating By-law in accordance with Section 220 of the Municipal Act; and,
 - (c) That the Law Department be authorized and directed to prepare the necessary amending By-law.
11.
 - (a) That a purchase order be issued to L. M. Enterprises in the amount of seventy one thousand and ninety dollars and eighty cents, (\$71,090.80) including all taxes and contingency. L. M. Enterprises is the lowest of six tenders received in accordance with specifications issued by the Purchasing Division and the vendor's proposal; and,
 - (b) That this expenditure be financed through the Crown Point East/McAnulty Neighbourhood Revitalization Phase 1 Account No. CF 4200 429407001; and,
 - (c) That a contract be entered into satisfactory to the City Solicitor.

12. (a) That a purchase order be issued to L.M. Enterprises in the amount of thirty seven thousand and thirty two dollars and seventy cents (\$37,032.70.) including all taxes and contingency. L.M. Enterprises is the lowest of six tenders received in accordance with specifications issued by the Purchasing Division and the vendor's proposal; and,
 - (b) That this expenditure be financed through the Crown Point East/McAnulty Neighbourhood Revitalization Phase 1 Account No. CF 4200 429407001; and,
 - (c) That a contract be entered into satisfactory to the City Solicitor, upon the legal agreement between the City of Hamilton and the Regional Municipality of Hamilton-Wentworth, (giving the City the permission of the Region to develop the surface of Pipeline Park between Province Street and Huxley Avenue for use as a park) being signed by all signing authorities prior to the commencement of construction.
13. (a) That a secured loan in the amount of twenty-three thousand and eighteen dollars (\$23,018) to Loriann Stokes, Kevin Stokes, and Richard Kebick, c.o.b. as Silvestri's Paradise of Flowers, for improvements to 274 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/4 per cent, amortized over 10 years, and;
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of eleven thousand, five hundred and nine dollars (\$11,509.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
14. That the Building Commissioner be authorized to issue a demolition permit for 8 Dundurn Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
15. That the Building Commissioner be authorized to issue a demolition permit for 10 Dundurn Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
16. That the Building Commissioner be authorized to issue a demolition permit for 12 Dundurn Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
17. That the Building Commissioner be authorized to issue a demolition permit for 14 Dundurn Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
18. That the Building Commissioner be authorized to issue a demolition permit for 11 Tuxedo Avenue North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

19. That the Building Commissioner be authorized to issue a demolition permit for 128 Hope Avenue in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
20. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-96-74, respecting property located at No. 229 Kenilworth Avenue North.
21. (a) That approval be granted to application CDM-CONV-95-005 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium for property located at Nos. 352-356 Hunter Street East and 122 Emerald Street South to provide for a condominium comprised of a 3 storey apartment building containing 22 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the draft plan dated 1996 March 6 prepared by Consoli and Jacobs Surveying Ltd., O.L.S.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan,
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan; and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593; and,
 - (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-005); and,

- (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,
 - (b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.
22. (a) That approval be granted to application CDM-CONV-95-002 submitted by Bruno Megna (In Trust), owner, for a draft plan of condominium for property located at No. 93 Emerald Street South to provide for a condominium comprised of a 5 storey apartment building containing 20 individual apartment condominium units, subject to the following conditions:
- (i) That this approval applies to the attached draft plan dated 1995 March 23 prepared by B.J. Clarke, O.L.S.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan,
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593; and,

- (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-007); and,
 - (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,
 - (b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
 - (c) That the Mayor and the City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.
23. That a Heritage Permit be approved to remove the existing aviary cages formerly attached to Dundurn Castle.
24. (a) That Section 5 of the NINTH Report of the Planning and Development Committee for 1996 as adopted by City Council on 1996 May 28 respecting a Heritage Permit for the Dundurn Castle Stable Building be rescinded in its entirety; and,
- (b) That a Heritage Permit be approved for the revised proposal for the ventilation and kitchen exhaust required for the conversion of the Dundurn Castle Stable Building to a Conference Centre as shown on the drawings attached hereto and marked as APPENDIX "H".
25. That the City nominate Rob Brough for the Ontario Heritage Foundation's Heritage Community Recognition Program which honours individuals who are making lasting and significant contributions to heritage conservation.

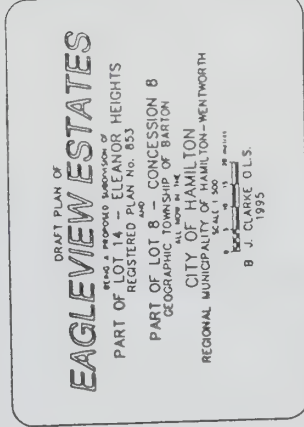
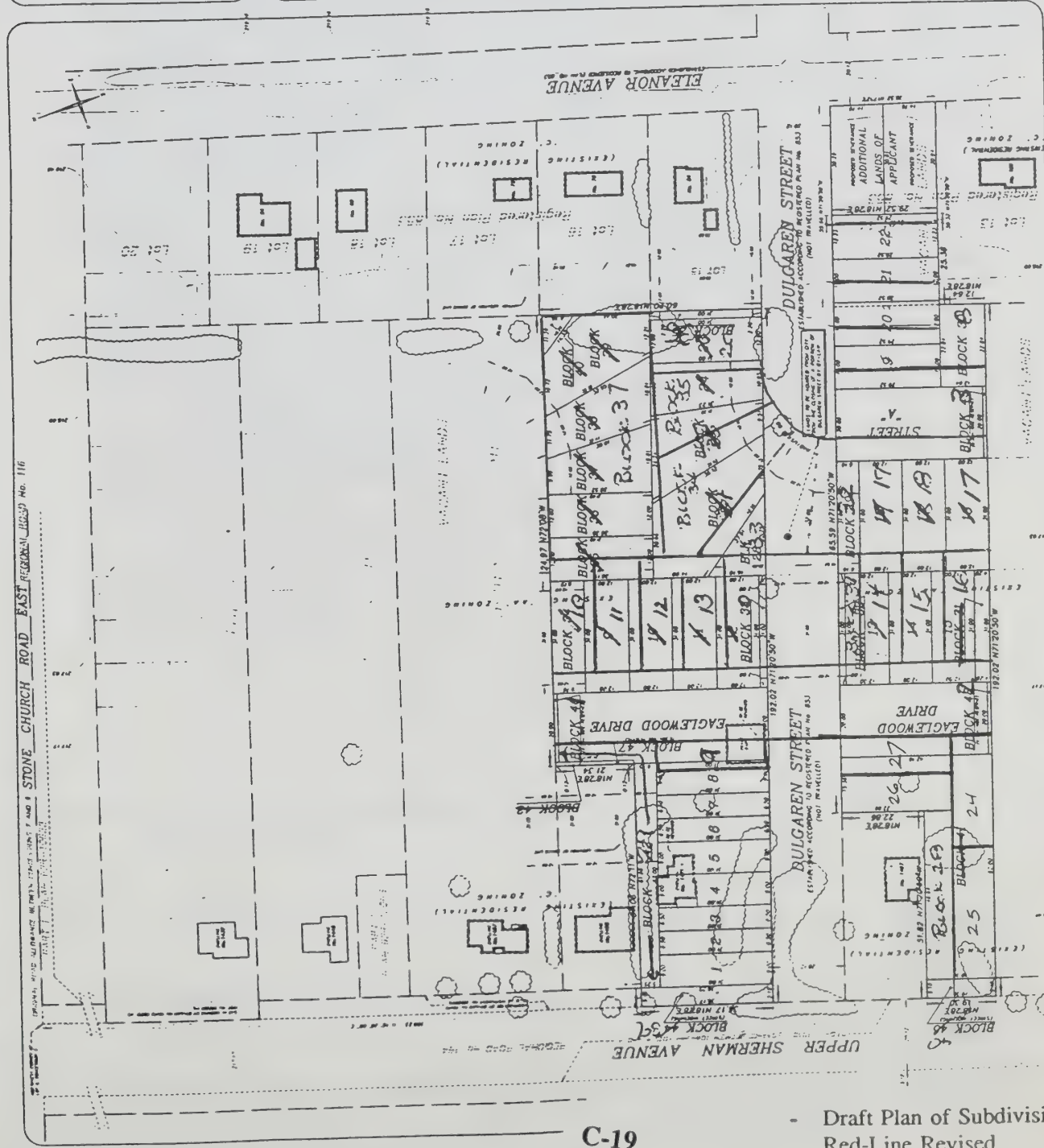
26. (a) That an Agreement by Owner to Accept Compensation, executed by Freddie Pilgrim and Edith Ilse Pilgrim on 1996 May 14 and to be completed on or before 1996 July 5, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the final compensation of \$8,760 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,
- (b) That an Agreement by Owner to Accept Compensation, executed by Carrier Canada Limited on 1996 March 27 and to be completed on or before 1996 July 5, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the final compensation of \$2,180 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,
- (c) That a Release Agreement, executed by Revenue Canada, execution creditor, on 1996 May 23, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be accepted, and the final compensation of \$604 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,
- (d) That an Agreement for the release of title interest, executed by the Public Trustee of Ontario, on 1996 May 15, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the acquisition cost of \$5,000 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.
27. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-25 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 475 Main Street East and 46 Grant Avenue; and,

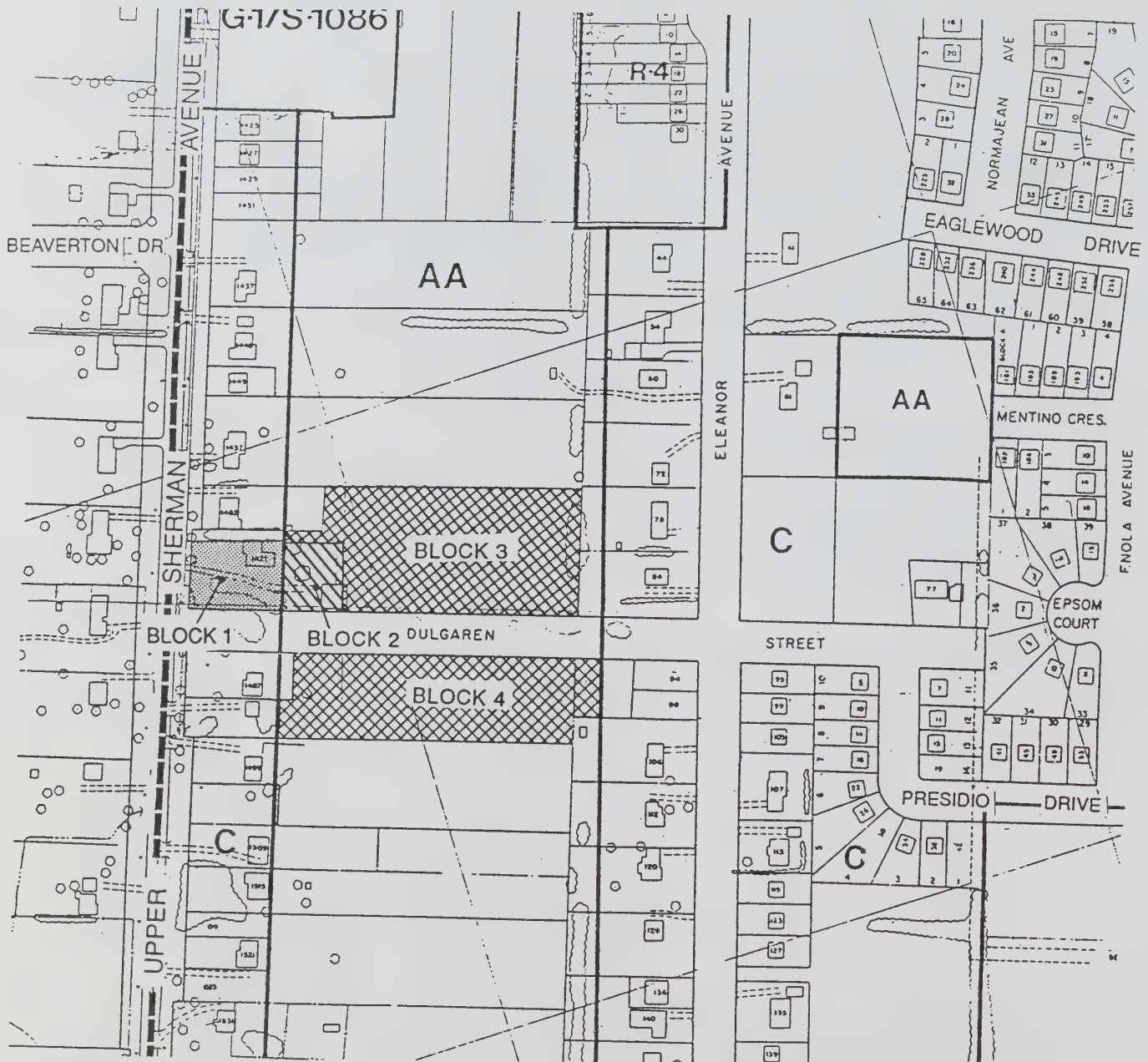
- (b) C-26 A By-law to Amend Zoning By-law No. 6593 Respecting Westdale South Neighbourhood; and,
- (c) C-27 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 85 Robinson Street; and,
- (d) C-28 A By-law to Delegate Authority to Give Consents Under the Planning Act to the Committee of Adjustment; and,
- (e) C-29 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law Nos. 80-278, 82-225 and 90-272 Respecting Land Located at Municipal Nos. 39-41 Devonport Street; and,
- (f) C-30 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 91-207 Respecting Land Located at the South-West Corner of Chedman Drive and Rice Avenue; and,
- (g) C-31 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 775 and 779 Upper Wentworth Street; and,
- (h) C-32 A By-law to Designate Land Located at Municipal Nos. 1159 and 1155 Beach Boulevard as Property of Historic and Architectural Value and Interest; and,
- (i) C-33 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 90-351 Respecting Lands Located in the area East of Upper James Street and North of Chipman Avenue.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**


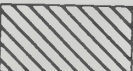

**Charlene Touzel, Acting Secretary
1996 June 19**

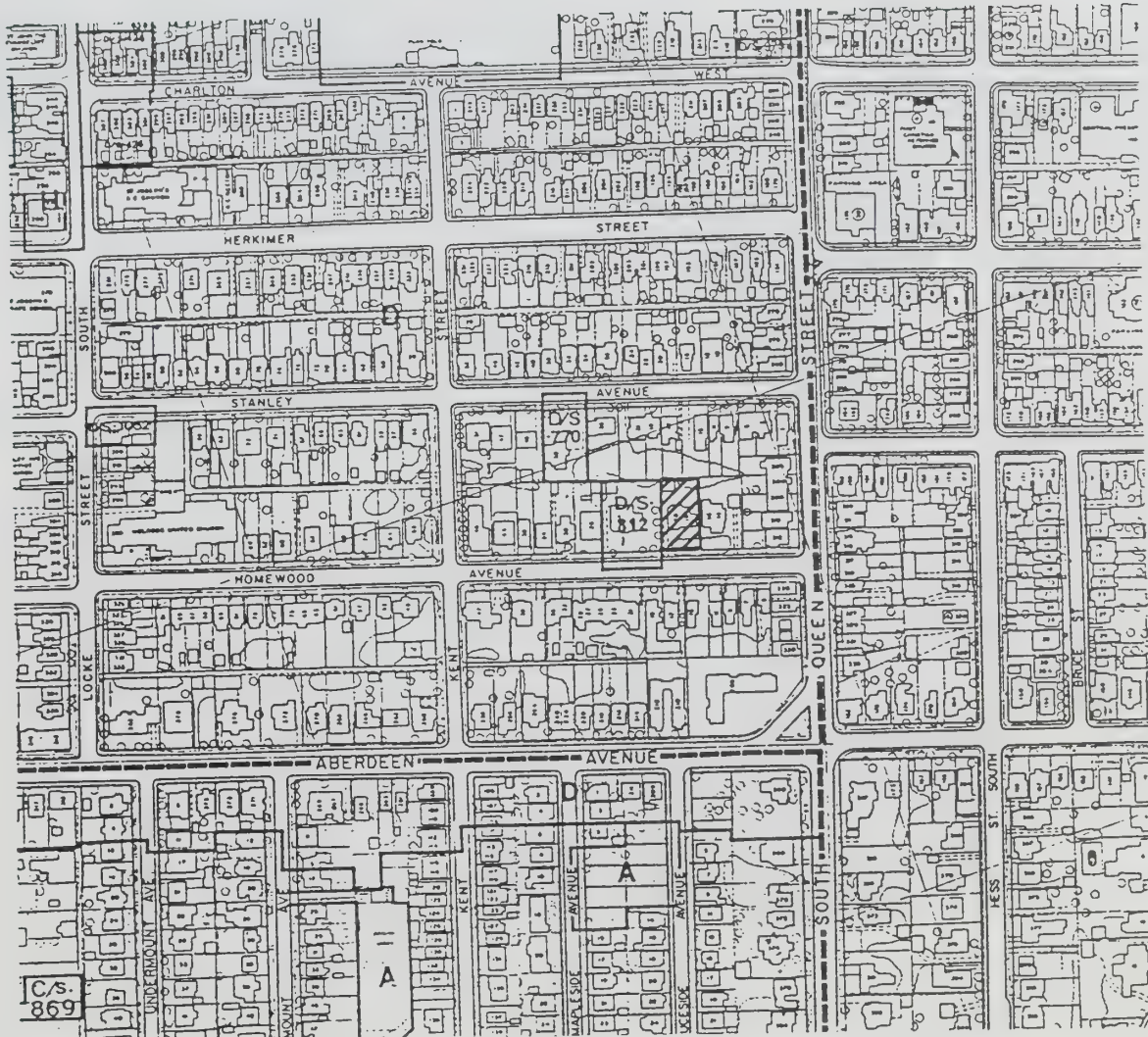
[illegible]



Legend

Proposed change in zoning from:

- | | | |
|-----------|---|---|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District, Modified, to "RT-30" (Street Townhouse) District. |
| BLOCK 2 |  | "AA" (Agricultural) District, to "RT-30" (Street Townhouse) District. |
| BLK 3 & 4 |  | "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District. |



City of Hamilton

Plan Showing Lands Subject to

Application ZAR-96-04

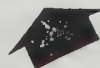
Planning and Development Department

Legend



Site of the Application

North

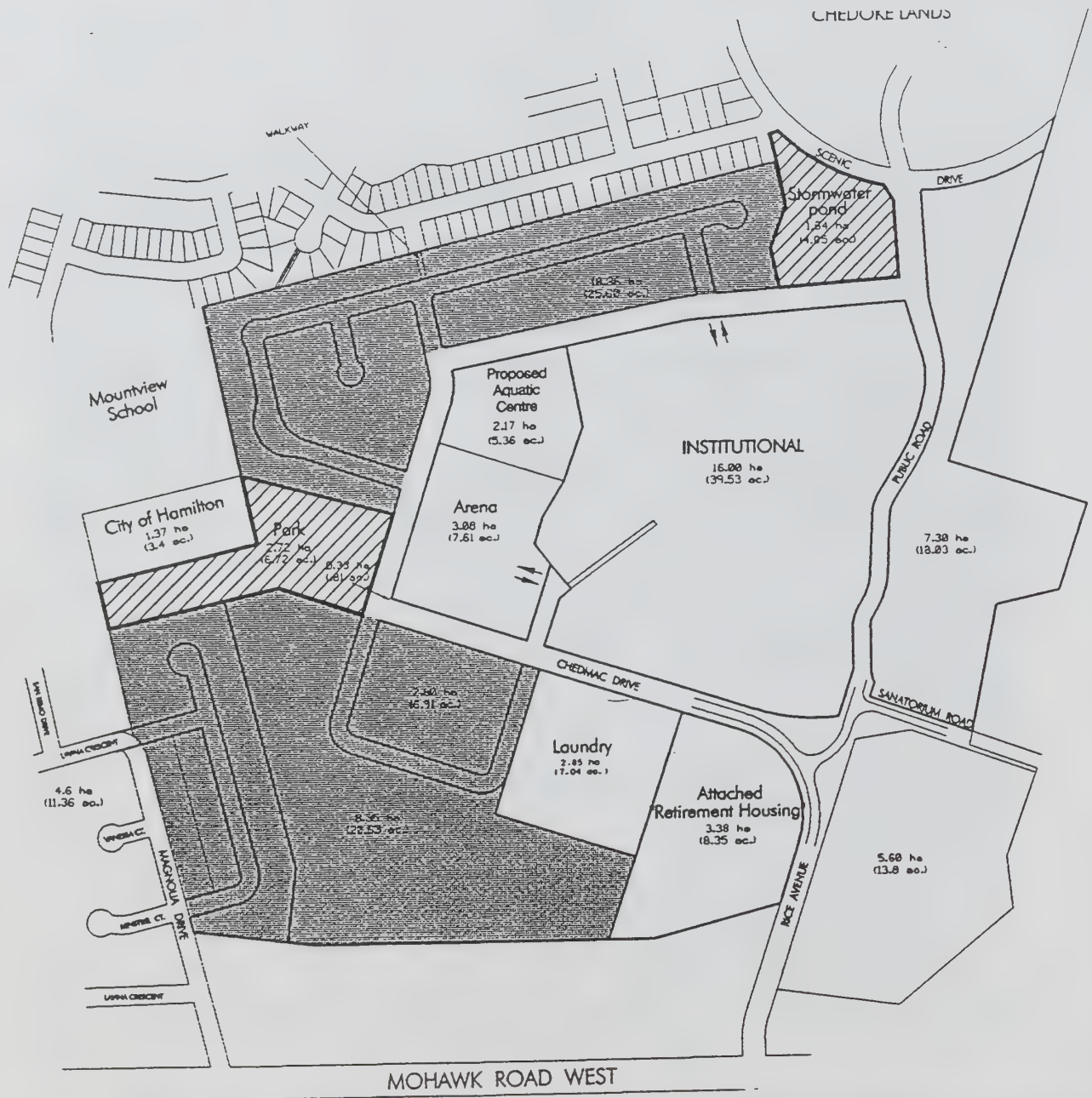


Scale
Not to Scale



Date
MARCH 1996

Reference File No.
ZAR-96-04

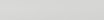




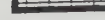
Drawn By
F.A.



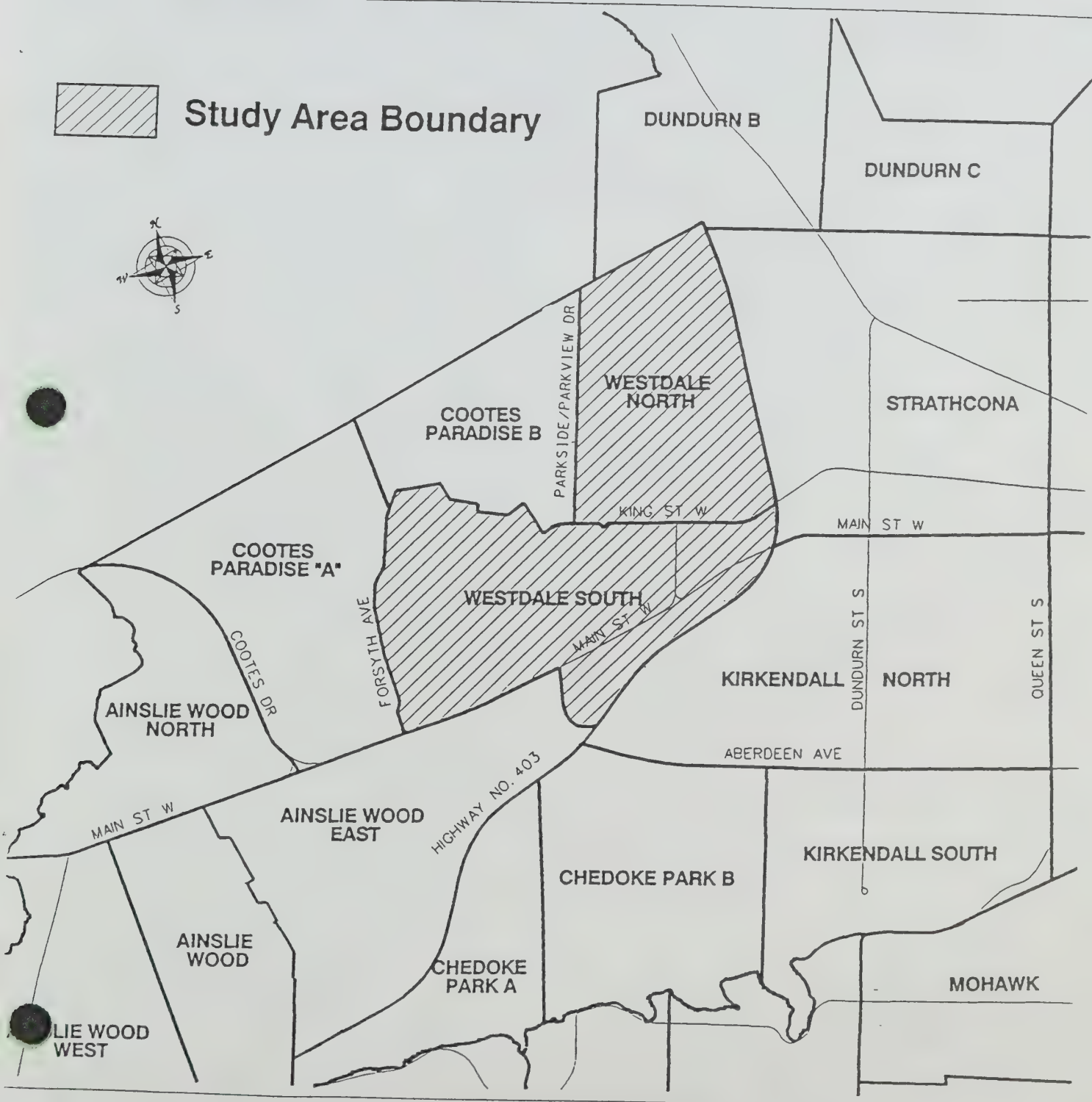
Schedule 'A' - Land Use Designations

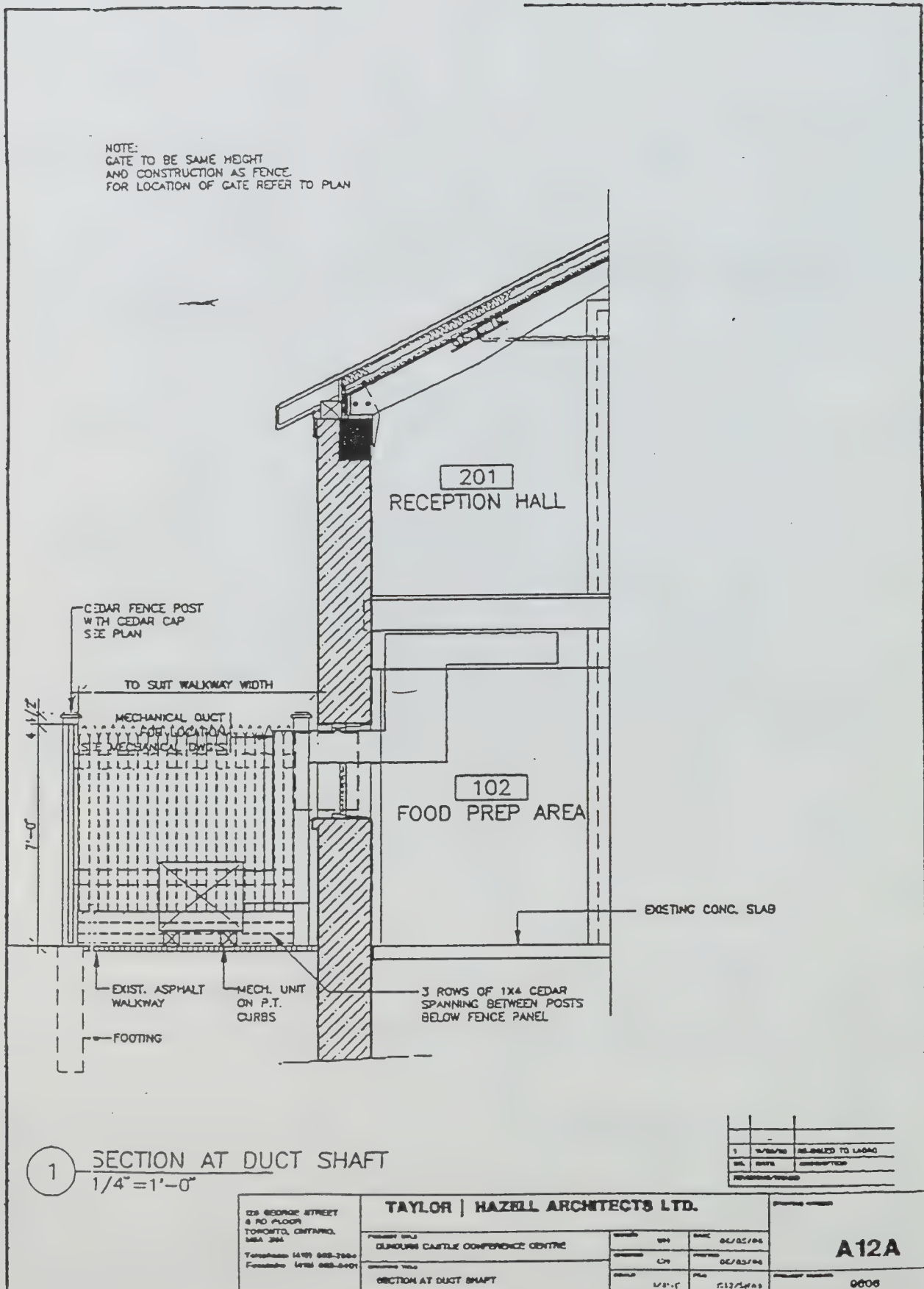
-  Redesignation to "RESIDENTIAL"
-  Redesignation to "OPEN SPACE"



	BLOCK "1" Open Space		BLOCK "5" Medium Density Residential I
	BLOCKS "2 & 3" Low Density Residential		BLOCK "6" Medium Density Residential II
	BLOCK "4" Park and Recreational		BLOCK "7" Institutional

LOCATION MAP





REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWELFTH** Report for 1996 and respectfully recommends:

1. That approval be given to the action taken by the City Clerk in authorizing the Romanian Orthodox Church Community to use the City Hall forecourt and related equipment on Friday, 1996 May 31 from 6:15 p.m. until 8:00 p.m. for a peaceful demonstration regarding Canadian Immigration Laws.
2. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

44 Dalewood Crescent	90 Queen Street South
47 Duke Street	184 King Street East
696 King Street East	1485 Main Street East
242 Nugent Drive	872 Upper Sherman Ave
57 Tyrone Drive	159 Chester Avenue
220 Cannon Street East	87 Wexford Ave North
196 East 23rd Street	794 Rennie Street
1097 King Street West	
- (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
3. That as referred to in Section 16 of the Ninth Report for 1996 of the Parks and Recreation Committee, the amount of \$5,000 contribution to assist in defraying the costs of the Joint 1996 Conferences of the Ontario Association of Cemeteries and Ontario Funeral Services Association to be held in Hamilton, 1996 September 15-18 be financed from the Hosting of Conferences with Municipal Subject Content Account CH 55307 80040.

4.
 - (a) That approval be given to issue a purchase order in the amount of \$581,884.19 inclusive of G.S.T.(\$38,067.19) to commission TRIO Roofing Systems Inc. of Etobicoke, Ontario for the replacement of the roof at the Hamilton Public Library, 55 York Blvd., Hamilton, Ontario this being the lowest quotation received in accordance with the specifications issued by the Purchasing Division, Ref: C14-6-96; and ,
 - (b) That the Mayor and City Clerk be authorized and directed to execute a contract in a form satisfactory to the City Solicitor; and,
 - (c) That this expenditure be funded from Library Roof Replacement Phase II, Capital Account CF 319641024.
5.
 - (a) That the amendment to the Labourers' International Union of North America, Local 837, Collective Agreement be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
6.
 - (a) That the amendment to the United Association of Plumbers and Pipefitters, Local 67, Collective Agreement be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
7. That the listing of Appointments to and Terminations from Permanent positions with the Corporation of the City of Hamilton to 1996 June 6, attached herewith and marked Appendix "A", be approved.
8.
 - (a) That further to the approval of City Council at its meeting held 1996 February 27 of the Committee of the Whole Report respecting approved licence fee adjustments for 1997, the total additional revenue of \$133,830 for 1997 from the Taxi and Livery (Limousine) categories be apportioned as follows:

	<u>Current</u>	<u>Proposed</u>	<u>Revenue</u>
Taxi Cab Driver	\$ 50	\$100	\$ 45,000
Taxi Cab Owner	\$210	\$420	\$ 68,250
Taxi Cab Broker	\$270	\$540	\$ 810
Taxi Cab Leases-new	\$ 60	\$120	\$ 4,800
Taxi Cab Leases-renewal	\$ 30	\$ 60	\$ 4,140
Livery Vehicle (Limo)	\$210	\$420	\$ 10,080
Livery Driver (Limo)	\$ 50	\$100	\$ 750
			\$133,830

(b) That the City Solicitor be authorized to prepare the appropriate By-law.

9. (a) That the City Solicitor be authorized to revise the Capital Fund Loan (\$7,000,000). Agreement dated 1994 February 23rd, between the Corporation of the City of Hamilton and the Parking Authority of the City of Hamilton to incorporate the following clauses:

(i) That the interest rate of the above loan be revised from: "the prime lending rate available to the City from its banker, plus 1½", to "43 basis points above the annual average 10 year Canada Bond Rate per year, with the interest rate set based on January 1, April 1, July 1, and October 1"; and,

(ii) That the Reserve for Off Street Parking have no minimum maintenance balance requirement as outlined previously; and,

(iii) That the Capital Fund Loan agreement of \$7,000,000 be reduced to \$4,000,000 and be available for land acquisition and development of carparks; and,

(iv) That the current Capital Loan balance of \$359,300 and any requirements up to the revised amount of \$4,000,000 be financed from the Reserve for Debt Charges, Account Centre No. CH00108; and,

(b) That the new acquisition of future carparks be frozen for four consecutive years until existing debt charges are fully paid as outlined in the enclosed financing plan, attached herewith and marked Appendix "B"; and,

- (c) That the City Treasurer and the General Manager of the Parking Authority be authorized to reduce the Parking Authority 1996 Capital Project - Upgrade existing facilities (Project No. 209.1) from \$250,000; and study and design (Project No. 210.1) for \$50,000 (for a total of \$300,000) to \$100,000 for carpark development/upgrades; and,
 - (d) That the City Treasurer be authorized to provide temporary financing from the Reserve for Debt Charges, Account Centre No. CH 00108 at an interest rate outlined below to pay for the Parking Authority debt charges for the years 1996, 1997 and 1998; and,
 - (e) That the City Treasurer be authorized to set the short term borrowing rate for payment of debt charges at 43 basis points above the annual average 5 year Canada Bond Rate per year with the interest rate set based on January 1, April 1, July 1, and October 1.
10. That in keeping with Ontario Hydro's policy respecting the appointment of commissioners to municipal commissions, that the City submit to Ontario Hydro the names of George Davidson, Donald Jervis and Ollie Thomson as possible candidates to assist Ontario Hydro in making its citizen appointment to the Hamilton Hydro Electric Commission.
11. (a) That the City of Hamilton advise the Liquor Licence Board of Ontario that it deems the 1996 Grey Cup Festival being held in Hamilton in 1996 November to be an event of national and municipal significance; and,
- (b) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of Special Occasion Permits applied for under the auspices of Grey Cup 1996 Hamilton Inc.; and,
- (c) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the extension of hours of the above-noted Special Occasion Permits being applied for under the auspices of Grey Cup 1996 Hamilton Inc. until 2:00 o'clock a.m. for the purposes of providing consistency of hours with these Permitted areas and the licenced establishments in the City of Hamilton; and,
- (d) That the Liquor Licence Board of Ontario be advised that the City of Hamilton supports the application of the 1996 Grey Cup Festival Committee for a special exemption which would permit the consumption of alcoholic beverages in the tiered seating area in the lower bowl of Copps Coliseum in connection with activities planned for November 21st, 22nd and 23rd.

12. (a) That City Council lift the freeze on the destruction of potentially archival records as established by the adoption of the Municipal Archives Report in 1992 and establish a Records Review Committee to consider requests for the destruction of these records on a case by case basis; and,

(b) That the Records Review Committee be comprised of the following staff members:

Darryl Lee, Supervisor of Records/F.O.I. Officer
Brian Henley, Hamilton Public Library, Special Collections
Phil Hooker, Law Department, Senior Solicitor

(c) That a listing of potentially archival records approved for destruction by the Records Review Committee be submitted to the Finance and Administration Committee for final approval as required.
13. (a) That a by-law be prepared to amend the Destruction of Records By-law 81-217, in order to establish a Records Retention Schedule for the City's Property Department, and amend Retention Schedules for the City Clerk's Department, Fire Department and the Traffic Division of the Public Works and Traffic Department; and,

(b) That the City Solicitor be authorized and directed to prepare the necessary by-law amendment.
14. (a) That the Federal Transport Minister be invited to hold one of the public input sessions of The Canada Marine Act in the City of Hamilton; and,

(b) That prior to the general public sessions, the Mayor, Chairman of the Finance and Administration Committee and appropriate staff meet with the Minister on the City's position on Hamilton Harbour and Bill C-44.
15. (a) That the City of Hamilton undertake a Hamilton Master Fire Plan which will identify the levels of service, including the response times, and recommend improvements to the system; and,

(b) That City staff collect and review initial background, and statistical information; and,

- (c) That a Request for Proposals be prepared to retain an external consultant at a cost not to exceed \$50,000 to:
 - (i) Undertake network analysis for alternate fire station/equipment locations;
 - (ii) Review and evaluate the organizational structure, staffing practices and equipment;
 - (iii) Report on alternative response time objectives; and
 - (iv) Prepare a report to be submitted to the Corporate Steering Committee by 1996 September 30.
 - (d) That the City Treasurer be authorized to establish a capital project, Fire Department Master Plan Study, in the amount of \$50,000 to be financed from the Reserve for Capital Projects, Account Centre No. CH 00203.
16. (a) That approval be given to issue a purchase order in the amount of \$98,480.66 inclusive of a contingency (\$10,000) and GST (\$6,442.66) to commission Cimco Refrigeration division of Toromont Industries, Toronto, Ontario to replace the rooftop condenser at Rosedale Arena, this being the only quotation received in accordance with the specifications (Ref: C14-7-96) issued by the Purchasing Division; and,
- (b) That the expenditure be financed from Capital Funds Account CF 319641023, Major Maintenance to Civic Buildings.
17. (a) That a purchase order be issued to Xerox Canada for the period of 1996 June 1 to 1997 May 31 for the servicing of the City-owned Xerox 5090 photocopier in the Print and Mail Section of the City Clerk's Department at a base monthly cost of \$295 plus \$0.006 per copy including developer plus applicable taxes; and,
- (b) That funding for this expenditure in the approximate amount of \$50,000 plus applicable taxes for the twelve month service agreement period be charged to Photocopy-Rental Account Number CH56620 12020.
18. That 8-10 Brantdale Avenue be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-059, for the purpose of selling the property.

19. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-42 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-43 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 June 18**

1996 June 25

Appendix "A" referred
to in Section 7 of the
TWELFTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. David Bowley	I	Landscaper (D15)	Public Works & Traffic Services	Returned to former position due to restructuring	\$36,416.64	May 02/96
Mr. Ronald Morris	I	Carpenter (T1)	Public Works & Traffic Services	New Position Council Approved March 28, 1996	\$42,011.84	May 06/96

Prepared June 6, 1996

Status -

Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Christine Armstrong	Customer Service Rep. Plan Examiner	Building	Resigned	2 years, 5 months	May 16/96
Mr. William Aubert	Firefighter I	Fire	Retired	30 years, 7 months	May 30/96
Ms. Winnifred Keenan	Print/Mail Clerk II	Clerk's	Terminated	4 years, 10 months	April 28/96
Mr. Roger Knapman	Traffic Signal Specialist	Traffic	Terminated	6 months	April 26/96
Mr. Robert Morton	Facility Supervisor	Culture & Recreation	Terminated	14 years, 6 months	April 24/96
Mr. Glen Peace	Platoon Chief	Fire	Resigned	24 years, 8 months	May 11/96

Prepared June 6, 1996

Glossary of Terms

Terminated -- long term disability
 -- discharge
 -- downsizing
 -- redundant

Resigned -- personal betterment
 -- personal reasons

THE PARKING AUTHORITY OF THE CITY OF HAMILTON STATUS OF RESERVE FOR OFF STREET PARKING WITH INTERIM FINANCING FROM THE CITY

SECTION "1"

YEAR (1)	OPENING RESERVE BALANCE (2)	OPERATING REVENUE LESS EXPENDITURE (3)	INTEREST ON RESERVE (4)	PARTIAL PAYMENT OF DEBT CHARGES (5)	REPAYMENT OF DEBT CHARGES/ FINANCING COST (6)	INTEREST ON CAPITAL LOAN (7)	NET OPERATING PROFIT/(LOSS) (8)	USE OF RESERVE (9)	NEW LOTS - NET OPERATING PROFIT AFTER FINANCING COSTS (10)	SALE OF SURPLUS LANDS (11)	CLOSING RESERVE BALANCE (12)	YEAR (13)
1996	72,393	405,762	14,676		63,042	128,744	228,652	(100,000)			201,045	1996
1997	201,045	500,000	41,358		140,808	280,044	140,506	(150,000)		395,000	566,551	1997
1998	566,551	550,000	60,594		197,096		413,498	(150,000)			830,049	1998
1999	830,049	550,000	53,100		555,747		47,353	(150,000)			727,402	1999
2000	727,402	600,000	47,029		580,197		66,832	(150,000)			644,233	2000
2001	644,233	600,000	38,842		600,997		37,845	(150,000)			532,078	2001
2002	532,078	600,000	30,234		618,147		12,087	(150,000)	20,000		414,165	2002
2003	414,165	700,000	29,335		631,647		97,688	(150,000)	40,000		401,852	2003
2004	401,852	700,000	31,649		609,954		121,695	(150,000)	60,000		433,547	2004
2005	433,547	700,000	83,753		0		783,753	(150,000)	80,000		1,147,300	2005
		5,905,762	430,570	0	3,997,637	408,788	1,929,907	(1,450,000)	200,000	395,000		

SECTION "2"

CAPITAL LOAN (LAND ACQUISITION) REPAYMENT SCHEDULE

YEAR (1)	PRINCIPAL (2)	INTEREST (3)	ANNUAL INSTALMENT PAYMENT (4)	CAPITAL LOAN OUTSTANDING (5)	DATE OF LOAN (1)	PRINCIPAL (2)	INTEREST (3)	ANNUAL INSTALMENT PAYMENT (4)	DEBT CHARGES LOAN OUTSTANDING (5)	DEBT CHARGES OUTSTANDING (6)
1995				359,300	01-Mar-96	0	63,042	63,042	1,036,311	1,036,311
1996	100,000	28,744	128,744	259,300	01-Mar-97	0	140,808	140,808	2,107,384	1,071,073
1997	259,300	20,744	280,044	0	01-Mar-98	0	197,096	197,096	2,818,457	711,073
1998	0	0	0	0	1999	350,000	205,747	555,747	2,468,457	2,818,457
1999	0	0	0	0	2000	400,000	180,197	580,197	2,068,457	
2000	0	0	0	0	2001	450,000	150,997	600,997	1,618,457	
2001	0	0	0	0	2002	500,000	118,147	618,147	1,118,457	
2002	0	0	0	0	2003	550,000	81,647	631,647	568,457	
					2004	568,457	41,497	609,954	0	

SECTION "3"

THE CITY'S RESERVE FOR DEBT CHARGES (CH 00108):

YEAR (1)	OPENING RESERVE BALANCE (2)	PROJECTS FINANCED (3)	FINANCING CAPITAL LOAN (4)	FINANCE PARKING AUTH. DEBT CHARGES (5)	REPAYMENT OF PARKING AUTHORITY DEBT CHARGES WITH INTEREST COST (6)	INTEREST EARNED (7)	PROVISION FOR DEBT CHARGES ADJUSTMENT (8)	CLOSING RESERVE BALANCE (9)	YEAR (10)
1996	5,261,551	366,667	259,300	1,036,311	63,042	291,413	1,597,000	5,550,728	1996
1997	5,550,728		(259,300)	1,071,073	140,808	272,488	38,000	5,190,251	1997
1998	5,190,251			711,073	197,096	193,947	(1,176,000)	3,694,221	1998
1999	3,694,221				555,747	189,054	(838,000)	3,601,022	1999
2000	3,601,022				580,197	226,801	(88,000)	4,320,021	2000
2001	4,320,021				600,997	217,924	(988,000)	4,150,942	2001

ASSUMPTION:

1. THE CAPITAL LOANS (LAND ACQUISITIONS) ARE TEMPORARILY FINANCED FROM THE CITY'S RESERVE FOR DEBT CHARGES (CH 00108)
2. THE PARKING AUTHORITY DEBT CHARGES ARE TEMPORARILY FINANCED BY THE CITY'S RESERVE FOR DEBT CHARGES (CH 00108)
3. THE CAPITAL LOANS ARE REPAYABLE AT 43 BASIS POINT ABOVE THE AVERAGE 10 YEAR CANADA BOND RATE
4. THE SHORT TERM BORROWINGS (DEBT CHARGES) ARE CHARGED AT 43 BASIS POINT ABOVE THE AVERAGE 5 YEAR CANADA BOND RATE
5. ALL INTEREST INCOMES ARE CREDITED TO THE CITY'S GENERAL INTEREST INCOME

Appendix "B" referred
to in Section 9 (b) of the
TWELFTH Report of
the Finance and
Administration
Committee for 1996.

1996 June 25

Col 2	Parking Authority Reserve Balance: The Parking Authority Reserve as of January 1, 1996 was \$68,494 (currently, \$72,393).
Col 3	Operating Surplus: A careful review of the current operations indicates an operating surplus of \$400,000 in 1996 increasing to \$700,000 in 2005 noted in Section 1, Column (3). The status of all revenues and expenses is closely monitored and will be the subject of future reviews with the Finance and Administration Committee.
Col 4	Lists the interest earned by the Authority on the Reserve for Offstreet Parking Account.
Col 8	Operating profit after deductions for annual principal and interest.
Col 9	Funding line for capital expenditures
Col 10	Future profits on carparks yet to be considered.
Col 11	Expected return on sale of current carparks declared surplus to the needs of the Parking Authority.
Col 12	Closing Balance of Parking Authority Reserve.

1996 June 25

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **SECOND** Report for 1996 and respectfully recommends:

1. That Michael Webber be appointed as a Citizen Member to serve on the Mayor's Committee Against Racism and Discrimination to replace a resigning member, for a term to expire 1997 November 30.

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow
Mayor

Stella Glover,
Secretary

1996 May 27

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 JUNE 25
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

K

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 3, ON PLAN 62R-13733
INTO APPLEBLOSSOM DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Appleblossom Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

Part of Block 30, on Plan 62M-710, designated as Part 3, on Plan 62R-13733.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 13, ON PLAN 62M-753
INTO BRIGADOON DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Brigadoon Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway, to form part of Brigadoon Drive.

All of Block 13, Plan 62M-753.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-
To Authorize:

1. The construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks on the north side of Stone Church Road from Upper Wellington Street to Upper Wentworth Street;
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications, and reports and the supervision of the construction by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did decide to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements, without petition on the initiative of Council, (Item 23 of the 5th Report of the Transport and Environment Committee on April 9, 1996);

AND WHEREAS the Council of The Corporation of the City of Hamilton did authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues, (Item 6 of the 7 Report of the Finance and Administration Committee on April 9, 1996);

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1990, Chapter L.26;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and to raise the abutting owners' portion of the costs by borrowing the required funds through the Region's issuance of debentures until said abutting owners' portion of the cost is paid by the special assessment;

AND WHEREAS the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 provides (section 111) that "no area municipality has power to issue debentures", and that the Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, R.S.O. 1990, Chapter O.28, section 65, states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act, (section 53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$164,000.
2. The portion of the estimated cost of the works in the amount of \$84,408.73 shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre thereof (set out in Schedule "A" attached hereto,) shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in equal annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton,
 - (a) to the extent sufficient to provide an amount not exceeding \$84,408.73;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to,
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of

A.D. 1996.

CITY CLERK

MAYOR

SCHEDULE "A"

Construction of an independent concrete sidewalk on the north side of Stone Church Road from Upper Wellington Street to Upper Wentworth Street, at the estimated cost not exceeding the following:

City's Share	\$ 79,591.27
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Abutting Owners' Share	<u>84,408.73</u>
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TOTAL ESTIMATED COST	\$164,000.00
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Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$101.00
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**THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO. 96-
To Authorize:**

1. The construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of a concrete alley first south of Hunter Street from Bay Street to approximately 83.5 m westerly (east-west portion only);
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications, and reports and the supervision of the construction by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did decide to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements, without petition on the initiative of Council, (Item 2 of the 15th Report of the Transport and Environment Committee on December 12, 1995);

AND WHEREAS the Council of The Corporation of the City of Hamilton did authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues, (Item 9 of the 29th Report of the Finance and Administration Committee on December 12, 1995);

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1990, Chapter L.26;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and to raise the abutting owners' portion of the costs by borrowing the required funds through the Region's issuance of debentures until said abutting owners' portion of the cost is paid by the special assessment;

AND WHEREAS the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 provides (section 111) that "no area municipality has power to issue debentures", and that the Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, R.S.O. 1990, Chapter O.28, section 65, states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act, (section 53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$48,000.
2. The portion of the estimated cost of the works in the amount of \$12,939.51 shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre thereof (set out in Schedule "A" attached hereto,) shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in equal annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton,
 - (a) to the extent sufficient to provide an amount not exceeding \$12,393.51;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to,
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of

A.D. 1996.

CITY CLERK

MAYOR

SCHEDULE "A"

Construction of a concrete alley first south of Hunter Street from Bay Street to approximately 83.5 m westerly (east-west portion only), at the estimated cost not exceeding the following:

City's Share	\$35,060.49
Abutting Owners' Share	<u>12,939.51</u>
TOTAL ESTIMATED COST	\$48,000.00
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$107.00

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Section 28, subsection 4, of Part IV (Parking Meters) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting therefrom, in its entirety, paragraph (e).

2. Section 28, of Part IV (Parking Meters), of said By-law is hereby amended by adding thereto the following subsection:-

"5. The provisions of subsections, 1, 2, and 3, of Section 30, of Part IV of this By-law shall not apply to a parked vehicle used for the transporting of one or more physically handicapped persons, that clearly displays on the sun visor or dashboard on the driver's side, and visible from external view, an identifying marker issued by the Minister of Transportation."

3. Section 30, of Part IV (Parking Meters), of said By-law is hereby amended by adding thereto the following subsection:-

"8. No person shall park, or leave parked, at any metered parking space, a vehicle displaying an identifying marker issued by the Minister of Transportation, for a period of time which exceeds 3 consecutive hours, whether or not there is shown on the meter time which is paid for and unexpired."

PASSED this

day of

A.D. 1996.

CITY CLERK

MAYOR

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 9 (Through Highways)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting therefrom the following item, namely:-

"Upper Horning Mountain Road, from Scenic Drive to Stone Church Road, except at the intersection of Mohawk Road."

2. **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Deschene Both Hester to Washington 1 hr 8 am - 5 pm Mon - Fri."

3. **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Bendamere Both West 31st to West 32 8am - 4pm Mon - Sat

Upper Horning Both Mohawk to Monteagle Anytime

Upper Horning Both Adis to Omni Anytime."

and by deleting therefrom the following items, namely:-

"Upper Horning Both End to End Anytime

Barlake West Hollydene to 60 ft. north Anytime."

4. **Schedule 27 (Alternate Side Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Upper Horning Road East West."
Monteagle Court to Adis Avenue

and by deleting therefrom the following item, namely:-

"Deschene Avenue North West East."
Hester Street to Washington Street

5. **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Hughson	West	commencing 240 feet south of the south curb line of Brock and extending 18 southerly	Anytime
Allan	North	commencing 199 feet east of Harmony and extending 23 feet easterly	Anytime
Roosevelt	East	commencing 124 feet south of Beach and extending 25 feet southerly	Anytime
Ray	West	commencing 24 feet south of Florence and extending 18 feet southerly	Anytime."

and by deleting therefrom the following items, namely:-

"Picton	North	commencing at a point 99 feet west of MacNab to a point 18 feet westerly therefrom	Anytime
Gibson	East	commencing at a point 332 feet south of Barton to a point 22 feet southerly therefrom	Anytime
Weir	East	commencing 31 feet south of Britannia to a point 26 feet southerly therefrom	Anytime."

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Central	Eastbound and Westbound	Wexford
Britannia	Eastbound and Westbound	Tragina
Britannia	Eastbound and Westbound	Fairfield."

2. **Schedule 23 (Hamilton Street Railway)** of said By-law is hereby amended by adding to the OUTBOUND column thereof following items, namely:-

"Duke at Bay (N/S)
Centennial at Violet (N/S)."

and by deleting from the OUTBOUND column thereof the following items, namely:-

"Hunter at Bay
Hunter at Park."

and by adding to the INBOUND column thereof the following item, namely:-

"Centennial at Eastgate Court (M/B)."

3. **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Graystone	East	commencing 254 feet north of the north curb line of Greyfriar and extending 76 feet northerly	Anytime
Haymarket	North	commencing at the westerly end and extending 104 feet easterly	Anytime
Barlake	West	commencing from the north curb line of the east to west leg of Barlake and extending 84 feet northerly along the south to north leg.	Anytime
Cannon	South	Gage to Kenilworth	4-6 p.m. Mon-Fri."

"Robins	East	38 feet	commencing at Newlands and extending southerly therefrom	Anytime
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4. **Schedule 35 (Wheelchair Loading Zones)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

PASSED this day of A.D. 1996.

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
475 MAIN STREET EAST AND 46 GRANT AVENUE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-13 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The DE-3 (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10C.(1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":
 - (i) a senior citizens multiple dwelling containing a maximum of seventy-eight (78) "housekeeping dwelling units" only within the existing building;
 - (ii) a dining room only in conjunction with a senior citizens multiple dwelling;
 - (iii) a hair salon only in conjunction with a senior citizens multiple dwelling;

- (b) Section 10C.(3) of Zoning By-law No. 6593 shall not apply to the existing building on Block "1";
- (c) notwithstanding Section 10C.(5) of Zoning By-law No. 6593, the gross floor area of the senior citizens multiple dwelling shall not exceed 4480.0 m² (48,223.89 S.F.) on Block "1";
- (d) an amenity area having a minimum gross floor area of 518.0 m² (5,575.88 S.F.) including, but not limited to, a library, chapel, games room, bar and lounges, shall be provided and maintained for the senior citizens multiple dwelling within the existing building;
- (e) Section 18.(4)(iv) of Zoning By-law No. 6593 shall not apply;
- (f) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, a minimum of 26 parking spaces shall be required for a senior citizens multiple dwelling containing not more than seventy-eight (78) "housekeeping dwelling units", as follows:
 - (1) a minimum of ten (10) parking spaces shall be provided and maintained on Block "1";
 - (2) a minimum of sixteen (16) parking spaces shall be provided and maintained on Block "2";
- (g) notwithstanding Section 18A.(9) of Zoning By-law No. 6593, sixteen (16) of the required parking spaces for the seniors multiple dwelling shall be provided and maintained on the lot located at No. 46 Grant Avenue (Block "2");
- (h) notwithstanding Section 18A.(1)(C) of Zoning By-law No. 6593, one (1) loading space at 3.7 m x 9.0 m x 4.3 m shall be provided and maintained for the senior citizens multiple dwelling on Block "1";
- (i) for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirements referred to in section 2.

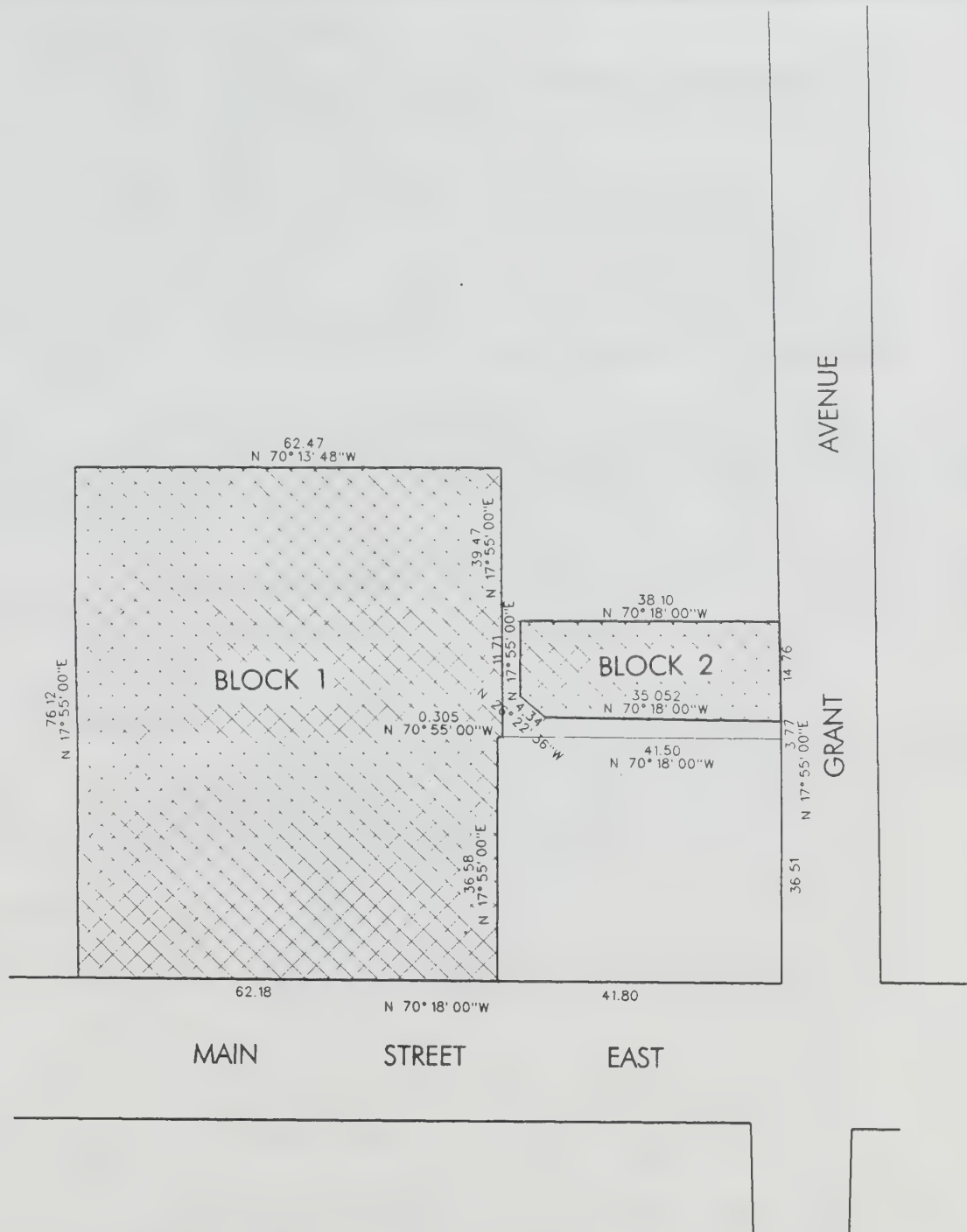
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1360.

5. Sheet No. E-13 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1360.

A.D. 1996

MAYOR

16



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A
Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



Blocks "1" & "2"- from: "H" (Community Shopping and Commercial, etc.) District to: "DE-3"(Multiple Dwellings) District - Modified.

North



Scale
Not to Scale

17 Date
June 1996

Reference File No.
ZAC-96-03

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

WESTDALE SOUTH NEIGHBOURHOOD

WHEREAS it is intended to establish special requirements under Section 19B of By-law No. 6593 passed on the 25th day of July 1950, and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The District provisions as contained in Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a)
 - (i) no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45;
 - (ii) notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
 - a) an attached garage;
 - b) a detached garage; and,
 - c) the floor occupied by heating, air conditioning and laundry equipment;
 - (iii) for the purpose of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;
 - (iv) in addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;
 - (v) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,
 - (vi) Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale South Neighbourhood;
- (b) in addition to the requirements of Section 10. of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

- (c) in addition to the requirements of Section 11. of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;
- (d) in addition to the requirements of Section 13. of Zoning By-law 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;
- (e) in addition to the requirements of Section 14. of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C", "D", "E", "G" and "H" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1361.

4. Sheets No. W-22, W-23, W-32, W-33, W-34, W-39 and W-40 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1361.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of . A.D. 1996

CITY CLERK

MAYOR

(1996) 10 R.P.D.C. 5, June 25
City Initiative 96-E

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 85 ROBINSON STREET

WHEREAS it is intended to establish special requirements under Section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-261 on the 8th day of November 1988 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" District, in respect of the land located at Municipal No. 85 Robinson Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Memorandum of Oral Decision (Files No. C940123, C940124, Z 940041), dated the 16th day of January 1995, directed that By-law No. 88-261 be amended as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to permit two mutually exclusive development options in respect of the land located at Municipal No. 85 Robinson Street, in addition to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions of Zoning By-law No. 6593;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended as set out below such that the lands might be developed by way of one of two distinct options and not a hybrid of the two. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions will also continue to be applicable to the lands notwithstanding the two options noted herein.

OPTION NO. 1

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended, to the extent only of the special requirements that,

- (a) notwithstanding Section 2.(2)A.(xiiaa) of By-law No. 6593, a residential care facility shall be permitted in the same building as the multiple dwelling;

- (b) notwithstanding Section 2.(2)J.(xb) of By-law No. 6593, a pedestrian entranceway to underground parking shall be permitted within the landscaped area required under Section 18A.(12) of By-law No. 6593;
- (c) Section 4.(3)(a) of By-law No. 6593 shall not apply;
- (d) notwithstanding Section 11.(1)(iii) of By-law No. 6593, the multiple dwelling shall provide not more than 110 dwelling units;
- (e) notwithstanding Section 11.(1)(iiib) of By-law No. 6593, the residential care facility shall accommodate not more than 162 residents, all of whom shall be not less than 60 years of age;
- (f) notwithstanding Section 11.(1)(viii) of By-law No. 6593, continued use of the private club is permitted only within the building or any portion thereof existing at the date of the passing of this by-law;
- (g) notwithstanding Section 11.(3)(ii)(b) of By-law No. 6593, a side yard of not less than 8.0 m in width shall be provided and maintained along the westerly side lot line within 33.4 m of Robinson Street;
- (h) notwithstanding Section 11.(3)(iii)(b) of By-law No. 6593, a rear yard of not less than 8.0 m in depth shall be provided and maintained along Charlton Avenue;
- (i) notwithstanding Section 11.(5) of By-law No. 6593, a gross floor area of not more than 22,130.0 m² shall be permitted;
- (j) Section 11.(7) of By-law No. 6593 shall not apply;
- (k) notwithstanding Section 18.(3)(vi)(b)(i) of By-law No. 6593, a canopy may project not more than 2.5 m into the required front yard;
- (l) notwithstanding Section 18.(3)(vi)(cc)(i) of By-law No. 6593, a balcony may project not more than 1.4 m into the required front yard;
- (m) notwithstanding Section 18A.(1)(a) of By-law No. 6593, not less than 173 parking spaces shall be provided and maintained;
- (n) notwithstanding Section 18A.(11)(a) and 18A.(12)(b) of By-law No. 6593, the boundary of the loading space shall be fixed not less than 0.4 m from the boundary of the adjoining residential district.

OPTION NO. 2

3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedule "B" and Schedule "C", are further amended to the extent only of the special requirements that,

- (a) notwithstanding Sections 11(2), 11(3), 18(3), and 18(8) of By-law No. 6593, the maximum building heights above grade, minimum yards and minimum building distance separations shall be provided and maintained in accordance with the attached Schedule "C". Above grade buildings shall be located wholly within the areas outlined by the heavy building envelope lines as is shown on Schedule "C". Building envelopes shall be variable to the maximum distances shown on Schedule "C" provided that the minimum setbacks shown on Schedule "C" are met. Minimum setbacks shall not be compromised by maximized building envelopes;

- (b) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 1:
 - (i) from Block 2 - minimum 0.05 metres,
 - (ii) from Block 3 - minimum 14.0 metres,
 as shown on Schedule "C";
- (c) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 2:
 - (i) from Block 1 - minimum 12.0 metres,
 - (ii) from Block 3 - minimum 1.0 metres,
 as shown on Schedule "C";
- (d) notwithstanding Section 11(3) of By-law No. 6593 and Section 3(a) of this by-law, the following setbacks are required for any building within Block 3:
 - (i) from Block 1 - minimum 4.8 metres,
 - (ii) from Block 2 - minimum 6.0 metres,
 as shown on Schedule "C";
- (e) notwithstanding Section 18(3)(vi)(cc) of By-law No. 6593, balcony projections for all yards are not to exceed 1.5 m, including enclosed balconies;
- (f) notwithstanding Section 11(5) of By-law No. 6593, the following provisions apply:
 - (i) a maximum gross floor area of 2.25 times the lot area of Blocks 1, 2 and 3 as shown on Schedule "B" shall be permitted;
 - (ii) a maximum of 200 dwellings units shall be permitted on Blocks 1 and 2 combined;
 - (iii) a maximum gross floor area of 2,545 m² (27,395 feet²) shall be permitted on Block 3, provided that the maximum gross floor area ratio for the entire site (Blocks 1, 2 and 3) does not exceed 2.25 times lot area;
 all in accordance with the attached Schedule "C",
- (g) amenity area shall be provided and maintained on the following basis:
 - (i) Block 1 - minimum of 371.6 m² (4,000 feet²); and
 - (ii) Block 2 - minimum of 278.7 m² (3,000 feet²);
- (h) the required amenity area noted in (h) above will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as follows:
 - (i) Block 1 - amenity area to a maximum of 371.6 m² (4,000 feet²); and
 - (ii) Block 2 - amenity area to a maximum of 287.7 m² (3,000 feet²);

- (i) where balconies are enclosed, the resultant increase in gross floor area will not be calculated as part of the gross floor area ratio of 2.25 as follows:
 - (i) Block 1 - to a maximum of 836.1 m² (9,000 feet²); and
 - (ii) Block 2 - to a maximum of 696.75 m² (7,500 feet²);
- (j) for the purposes of Option No. 2, "amenity space" shall be defined as: "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges and recreation areas, but does not include landscaping, patios and balconies";
- (k) notwithstanding Section 11(1) of By-law No. 6593, townhouses, street townhouses or maisonettes shall be permitted on Block 3;
- (l) notwithstanding Section 11(1)(viii) of By-law No. 6593, and Sections 3(a) to 3(k) of this by-law, the continued use of the private club is permitted only within the building or any portion thereof existing at the date of the passing of this by-law;
- (m) notwithstanding Section 18A of By-law No. 6593, required parking for Block 3 may be provided and maintained on Blocks 1 and 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1, 2 and 3 between the respective owner(s) of Blocks 1, 2 and 3 and the City. In the event that required parking for Block 3 is not being provided and maintained by such a site plan agreement, parking for Block 3 must be provided and maintained on Block 3;
- (n) notwithstanding Section 18A of By-law No. 6593, required parking, access driveways, and manoeuvring space for Block 1 and Block 2 may be provided and maintained on both Block 1 and Block 2, subject to the registration on title of irrevocable site plan agreements for each of Blocks 1 and 2 between the respective owner(s) of Blocks 1 and 2 and the City. In the event that required parking, access driveways, and manoeuvring space for each of Blocks 1 and 2 is not being provided and maintained by such site plan agreements, required parking, access driveways and manoeuvring space for each of Blocks 1 and 2 must be provided and maintained on Block 1 and Block 2, respectively;
- (o) notwithstanding Section 18A of By-law No. 6593, one loading space measuring 3.7 metres by 9.0 metres shall be provided and maintained on each of Block 1 and Block 2.

4. Where the land is developed in accordance with Option No. 1, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 2.

5. Where the land is developed in accordance with Option No. 2, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in Section 3 of this by-law.

6. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1343.

7. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Sections 2 and 3 of this by-law, S-1343.

8. By-law No. 88-261 is hereby repealed in its entirety.

PASSED this

day of

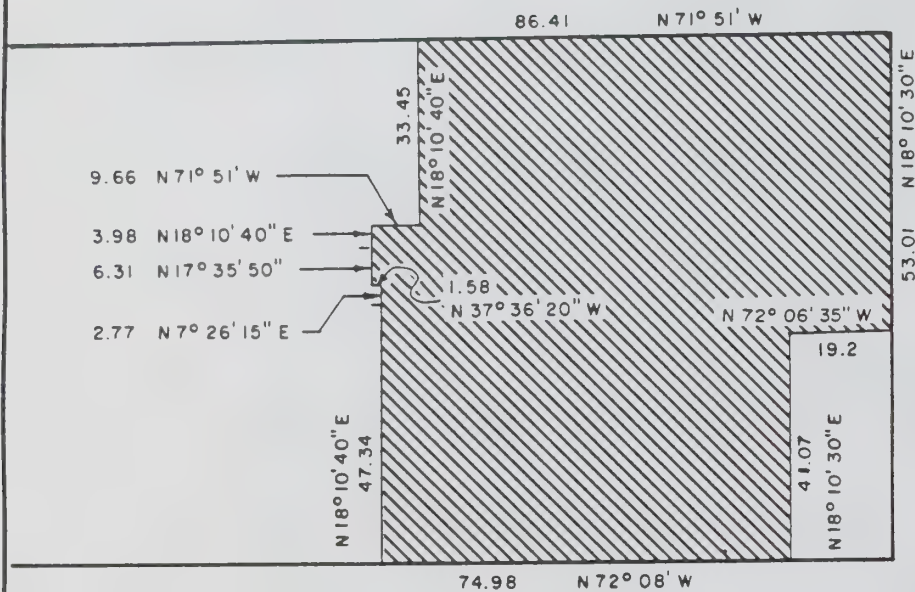
A.D. 1996

CITY CLERK

MAYOR

(1995) 4 R.P.D.C. 1, January 10
Latco (1986) Developments Limited, Owner
ZAC-93-17

ROBINSON STREET



PARK STREET SOUTH

CHARLTON AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96
to Amend By-Law No. 6593

Legend



Lands to be regulated by
By-Law No. 96-.....

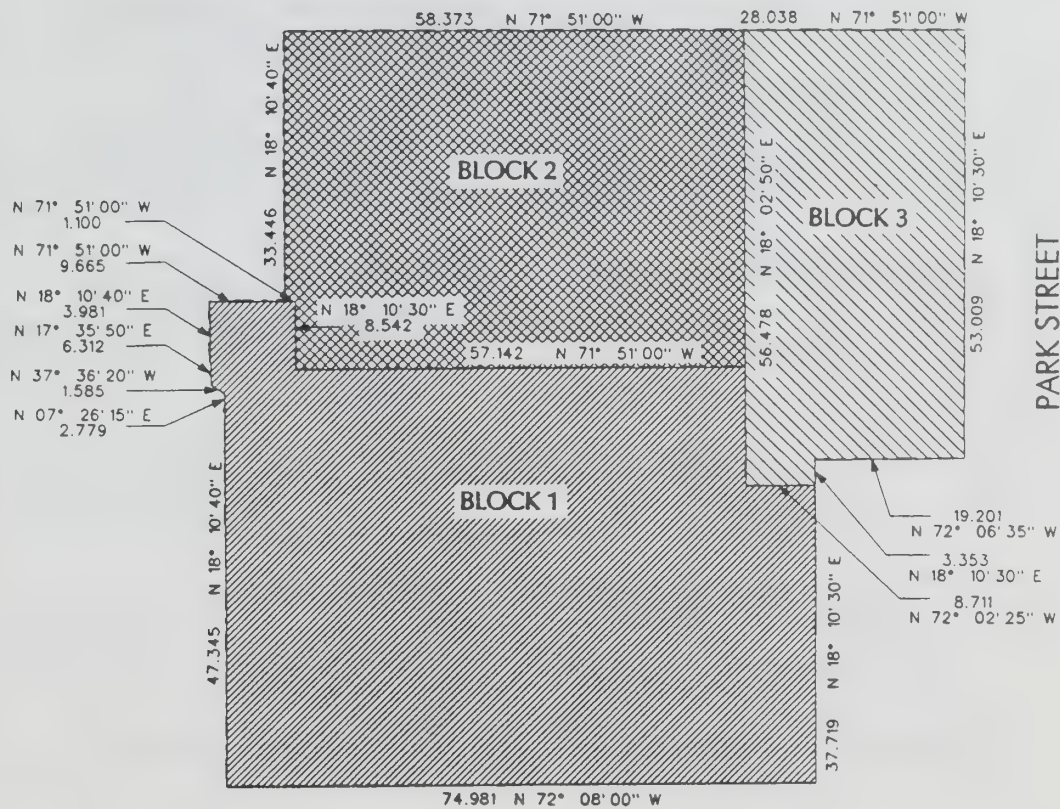


26

Scale
Not to Scale
Date
FEB. 1996.

Reference File No.
ZAC-93-17
Drawn By
Z.K.

ROBINSON STREET



CHARLTON AVE

NOTE: All dimensions are in metres

This is Schedule "B" to By-Law No. 96-.....
 Passed the day of, 1996.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule B

Map Forming Part of
 By-Law No. 96-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend



BLK. 1



BLK. 2



BLK. 3

Lands to be regulated by
 By-Law No. 96-.....

North



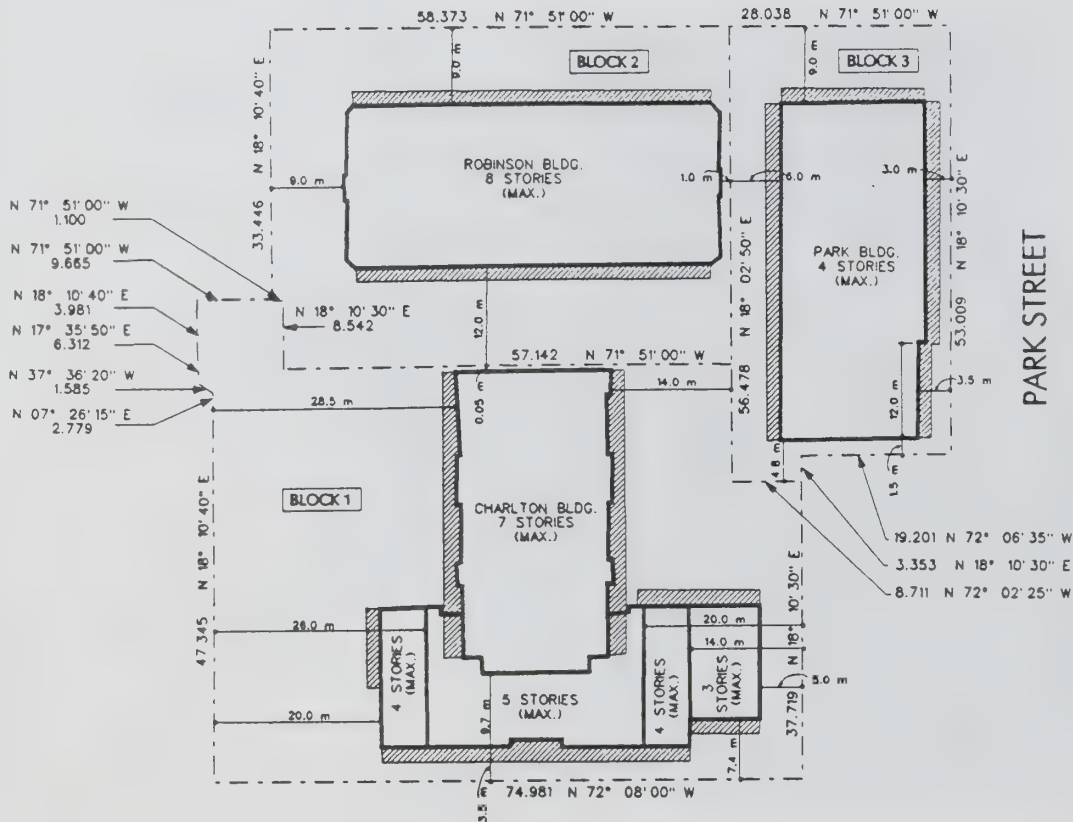
Scale
 Not to Scale

Date
 FEB. 1996

Reference File No.
 ZAC-93-17

Drawn By
 R.L.

ROBINSON STREET



CHARLTON AVE

NOTE: All dimensions are in metres

This is Schedule "C" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor



City of Hamilton

Schedule C

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

-  BUILDING ENVELOPES
-  BALCONIES / SUNROOMS

North



Scale
Not to Scale

Date
FEB. 1996

Reference File No.
ZAC-93-17

Drawn By
R.L.

The Corporation of the City of Hamilton

By-law No. 96-

To Delegate:

**AUTHORITY TO GIVE CONSENTS UNDER THE PLANNING ACT
TO THE COMMITTEE OF ADJUSTMENT**

WHEREAS under the Planning Act, R.S.O. 1990, Chapter P.13, The Regional Municipality of Hamilton-Wentworth had the authority to give consents for the severances of land under the Act for land within the Region of Hamilton-Wentworth;

AND WHEREAS The Regional Municipality of Hamilton-Wentworth, pursuant to Section 54 of the Planning Act, will delegate the authority for the giving of consents under the Act to The Corporation of the City of Hamilton, effective as of July 1, 1996;

AND WHEREAS Section 54 of the Planning Act, R.S.O. 1990, Chapter P.13 authorizes a Council to delegate the authority for the giving of consents under the Act to the Committee of Adjustment;

AND WHEREAS Council, on May 28, 1996, in adopting Section 3 of the 9th Report of the Planning and Development Committee delegated the authority to give consents under the Act to the Committee of Adjustment;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Council hereby delegates the authority to give land severance consents under the Planning Act, R.S.O. 1990, Chapter P.13, as amended, to the existing Committee of Adjustment for the City of Hamilton.
2. This By-law becomes effective on July 1, 1996.

PASSED this day of 1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-laws No. 80-278, 82-225 and 90-272

Respecting:

LAND LOCATED AT MUNICIPAL NOS. 39-41 DEVONPORT STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 80-278 on the 28th day of October 1980 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "L-mr" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 82-225 on the 12th day of October 1982 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "L-mr" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-272 on the 25th day of September 1990 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "L-mr" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 4th Report of the Planning and Development Committee at its meeting held on the 12th day of March 1996, recommended that Zoning By-law No. 6593, as amended by By-laws No. 80-278, 82-225 and 90-272, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "L-mr" (Planned Development - Multiple Residential) District provisions, as contained in Section 17B of Zoning By-law No. 6593, as amended by By-laws No. 80-278, 82-225 and 90-272, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) in accordance with Section 39 of the Planning Act, R.S.O. 1990, the temporary use of the lands for the parking of motor vehicles, accessory to the use of the land at No. 505 York Boulevard, for a period not exceeding three years from the day of the passing of this by-law, shall be permitted.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "L-mr" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-717c.

4. Sheet No. W-11 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-717c.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

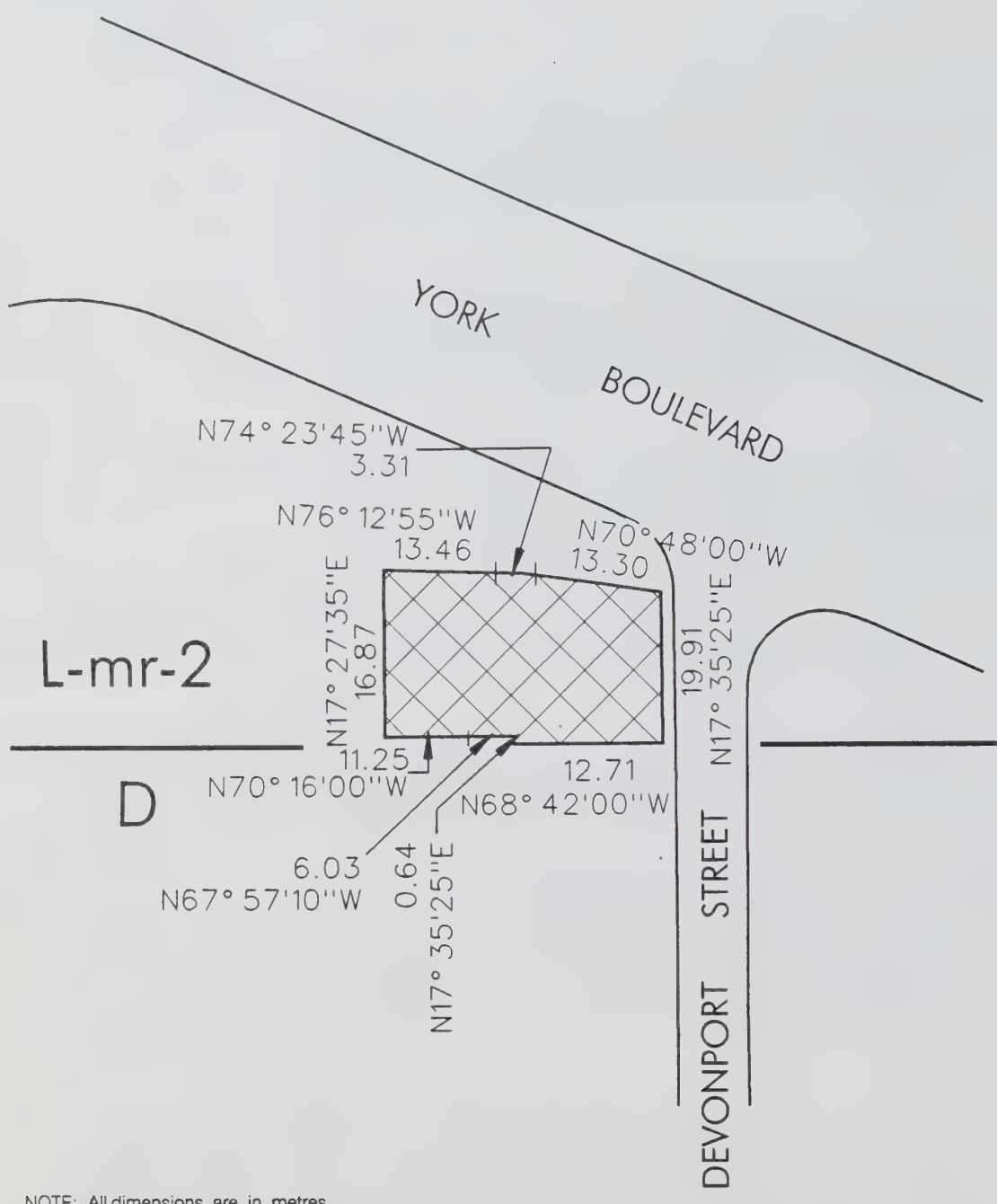
PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 4 R.P.D.C. 1, March 12
Metropolitan Hamilton Real Estate Board, Owner
ZAR-95-31



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
 Passed the day of, 1996.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

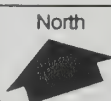
Map Forming Part of
 By-Law No. 96-____
 to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands to be regulated by
 By-Law No. 96-.....



North

Scale
 NOT TO SCALE

Date
 32 June 1996

Reference File No.
 ZAR-95-31

Drawn By
 W. B.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 91-207

Respecting:

**LAND LOCATED AT THE SOUTH-WEST CORNER OF CHEDMAC DRIVE
AND RICE AVENUE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-207 on the 29th day of October 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "DE" District, in respect of the lands located on the west side of Rice Avenue, South of Chedmac Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the Seventh Report of the Planning and Development Committee at its meeting held on the 30th day of April 1996, recommended that Zoning By-law No. 6593 be amended as hereinafter provided, and that By-law No. 91-207 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 91-207 is hereby repealed in its entirety.
2. Sheet No. W-37 of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, the land comprised in Block 1; and
 - (b) by changing from "AA" (Agricultural) District to "DE"- 'H' (Low Density Multiple Dwellings - Holding) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

3. (a) The 'H' symbol referred to in section 2(b) shall be removed conditional upon the applicant completing a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 2(b) may at such time proceed in accordance with the "DE" District provisions, subject to the special requirements referred to in section 4 of this by-law.

4. The "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands referred to in section 2 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10A(1) of Zoning By-law No. 6593, a maximum of forty-one (41) townhouse units shall be permitted on Block 1, and a maximum of forty (40) townhouse units shall be permitted on Block 2, subject to the "RT-20" (Townhouse - Maisonette) District provisions of Section 10E;
- (b) notwithstanding Section 10E(3) of Zoning By-law No. 6593, no building or structure shall exceed one and a half (1-1/2) storeys and 9.5 m (31.16 feet) in height on Blocks 1 and 2.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" District provisions, subject to the special requirements referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1357.

7. Sheet No. W-37 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1357.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

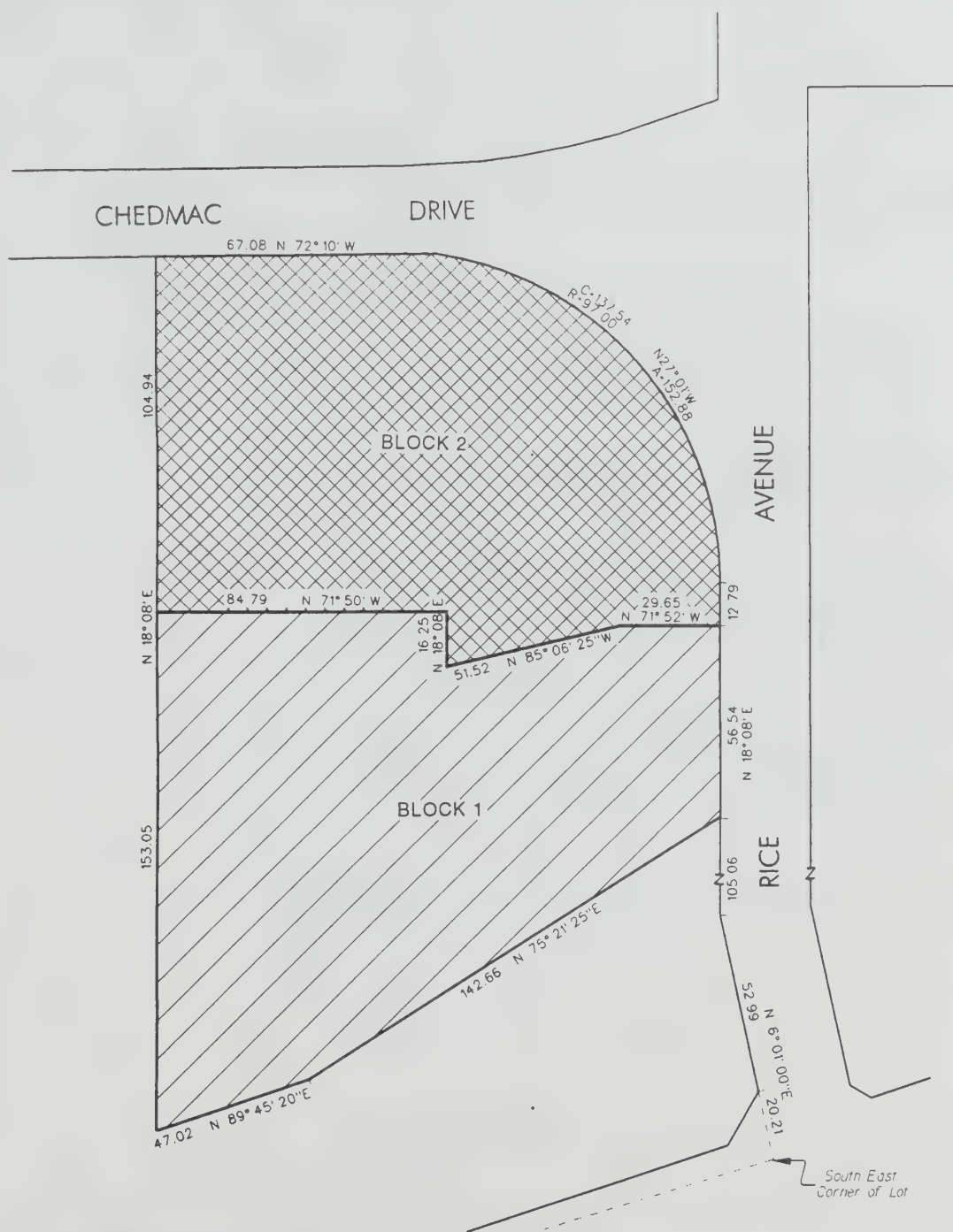
PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 7 R.P.D.C. 1, April 30
Micor Developments Inc., Prospective Owner
ZAR-95-21



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A Map Forming Part of By-Law No. 96-..... to Amend By-Law No. 6593

Planning and Development Department

Legend

BLOCK 1



Changes in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, Modified.

BLOCK 2



Changes in zoning from "AA" (Agricultural) District to "DE"-H" (Low Density Multiple Dwellings - Holding) District, Modified.

North



Scale
Not to Scale

Date
JUNE 1996

Reference File No.
ZAR-95-21

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
775 and 779 UPPER WENTWORTH STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 133, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A.(1) of Zoning By-law No. 6593, only the following uses shall be permitted and only within the existing building:
 - (i) a bank or financial institution; and,
 - (ii) a day nursery; and,
 - (iii) a business or professional person's office, excluding medical and dental; and,
 - (iv) a photographer's or artist's studio; and,

- (v) an art gallery; and,
- (vi) a business identification sign that is a wall sign of an occupancy or use, that complies with the following requirements:
 - (1) no sign shall exceed 2.0 metres in height;
 - (2) the total aggregate area of all signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building;
 - (3) every sign shall be parallel to the wall to which it is affixed; and,
 - (4) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (b) Notwithstanding the provisions of Section 18A(1)(d) and Table 4, one (1) loading space having minimum dimensions of 9.0m x 3.7m shall be provided and maintained on the lot.
- (c) Notwithstanding the provisions of Section 18A(11)(a) of Zoning By-law 6593, a planting strip shall not be required along the northerly boundary.
- (d) Notwithstanding the provisions of Section 18A(12)(c) of Zoning By-law 6593, a chain link fence not less than 1.2m in height and not greater than 2.0m in height, shall be provided and maintained along the northerly boundary and within the easterly boundary planting strip.
- (e) Notwithstanding the provisions of Section 18A(26) of Zoning By-law 6593, the access driveway must be at least 1.5m from the east property line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1348.

5. Sheet No. E-27 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1348.

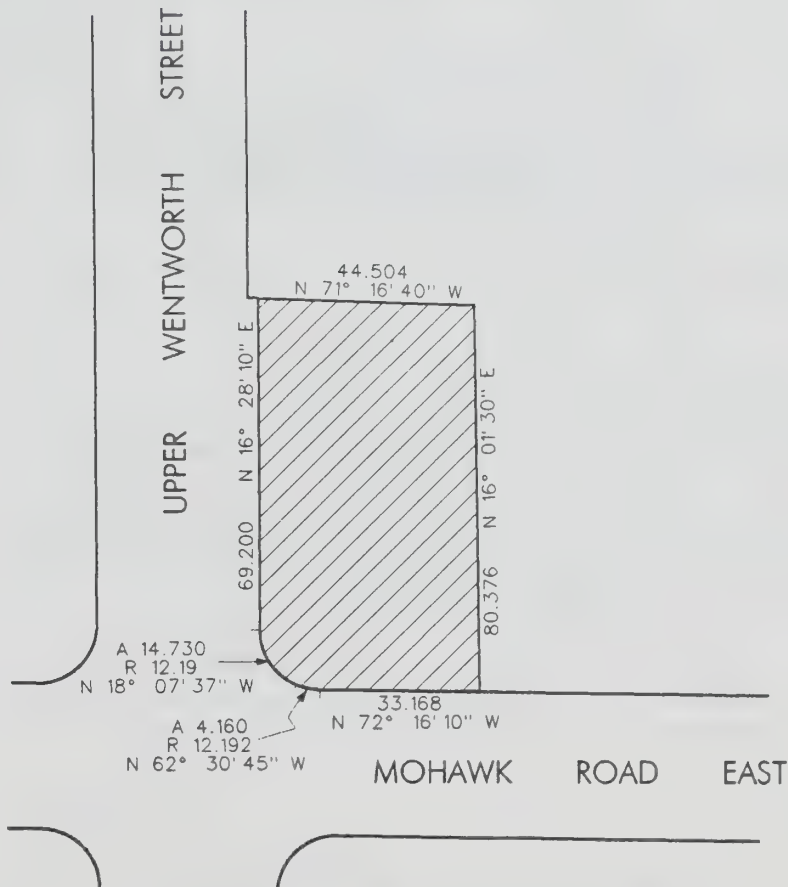
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 3, October 10
(1996) 5 R.P.D.C. 5, March 26
Elite Realty Corporation, Prospective Owner
ZAC-95-18



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"D" (Urban Protected Residential
- One and Two Family Dwellings, etc.)
District, to "HH" (Restricted Community
Shopping & Commercial) District, Modified.

North



Scale
Not to Scale

Date
39 June 1996

Reference File No.
ZAC-95-18

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

LAND LOCATED AT MUNICIPAL NOS. 1159 AND 1155 BEACH BOULEVARD

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal Nos. 1159 and 1155 Beach Boulevard and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 96-

Burlington Canal
Lighthouse and Keeper's Dwelling
1159 and 1155 Beach Boulevard
Hamilton, Ontario

Part of the Government Reserve on the south side of the Burlington Canal, in the Geographic Township of Saltfleet, now in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Schedule "B"

to

By-law No. 96-

REASONS FOR DESIGNATION

Burlington Canal Lighthouse and Keeper's Dwelling 1159 and 1155 Beach Boulevard Hamilton, Ontario

Context

The lighthouse and adjacent keeper's dwelling, built respectively in 1858 and 1857, are located just south of the Burlington Canal on the strip of land dividing Hamilton Harbour and Lake Ontario. The lighthouse, a *recognized federal heritage building*, marks the entry into the protected waters of the harbour.

Once a prominent landmark on the Beach Strip, the still impressive 55-foot high circular stone structure is now overshadowed by the adjacent steel tower of the vertical lift bridge and elevated roadway to the east and the Skyway Bridge to the west. Gone from its turn-of-the century setting, when the Beach Strip was a popular summer resort, are the Royal Hamilton Yacht Club quarters (1892–1915), the hotels, boardwalk, and the road and railway swing bridges.

History

The lighthouse complex is closely associated with Hamilton's development as a major lake port, which began with the opening of the Burlington Canal in 1832. The first lighthouse and keeper's dwelling, both frame buildings erected in 1837, were destroyed by fire in 1856 and subsequently replaced by the present stone and brick structures. The lighthouse served as an important navigational aid for cargo ships and pleasure craft until 1961 when it was removed from service and superseded by a modern light erected on the new lift bridge. The house, moved a short distance to its present site in the late 1890s, was continuously occupied until 1991 by five successive lightkeepers. The lighthouse and keeper's dwelling are the oldest surviving buildings on the Beach Strip and the only intact structures linked to Hamilton's mid-19th century port function.

Architecture

The lighthouse and keeper's dwelling together constitute one of few extant historic light stations in Ontario. Of the seven surviving lighthouses on the Canadian side of Lake Ontario, only Burlington Canal retains its original lightkeeper's residence. Moreover, relatively few Canadian lighthouses were constructed of stone, most of which predate Confederation. Of eight known examples erected on Lake Ontario, the Burlington Canal lighthouse is now one of only four remaining.

Constructed of squared white limestone blocks laid in regular courses, the lighthouse features slit windows with cut stone sills, a round-arched doorway and a 12-sided iron-framed lantern (dating from 1891 when the original one was replaced). It was erected by the renowned Scottish mason from Thorold, John Brown, the builder of six similar lighthouses on Lake Huron and Georgian Bay, known as "Imperial Towers" and all still standing.

The brick keeper's dwelling, a 1 1/2 storey, side-gabled structure with a three-bay facade and parapet end walls, is similar in form to the stone dwellings built in conjunction with the six Imperial Towers, some of which also have raised parapet walls with built-in end chimneys. A distinctive feature of the Burlington Canal lightkeeper's house is the corbel detail of the raised parapets, which is characteristic of Hamilton's 19th century worker housing. The large window openings are accentuated by cut stone sills and lintels. Minor alterations over the years include the replacement of the original six-paned window sashes with single-paned sashes; replacement of the front door; and the rebuilding of the raised parapets with narrower end chimneys and corresponding loss of decorative brickwork beneath the parapet coping. The front doorway, with its rectangular transom, is now obscured by an enclosed front porch, built in 1945 to replace a full verandah added after 1900.

The stone tower has been preserved virtually intact while the lightkeeper's dwelling has largely retained its original character, despite the changes identified above.

Designated Features

Important to the preservation of the Burlington Canal lighthouse complex are:

1. the stone masonry tower and iron lantern, including the round-arched doorway and tall narrow windows.
2. all four brick masonry facades of the keeper's dwelling, including the parapet end walls, original doorways and window openings, and stone trim. Excluded are all later additions, including the front porch, and a rear shed and dormer.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-law No. 90-351

Respecting:

**LANDS LOCATED IN THE AREA EAST OF UPPER JAMES STREET
AND NORTH OF CHIPMAN AVENUE**

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-351 on the 11th day of December 1990 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the District, in respect of the land located at Municipal Nos. 1209-1223 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 2 of By-law No. 90-351 provides that upon the installation of such municipal sewers as the City deems necessary, the 'H' symbol shall be removed by amendment to By-law No. 90-351;

AND WHEREAS the municipal sewers as deemed necessary by the City have been installed and are available to service the subject lands;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of the Seventh Report of the Planning and Development Committee at its meeting held on the 30th day of April 1996, recommended that the City Solicitor prepare the necessary by-law to remove the 'H' symbol in respect of the above lands;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 90-351, passed on the 11th day of December 1990, to the "C" (Urban Protected Residential, etc.) District designation of Block 1, the extent and boundaries of which are shown on a plan thereto annexed as schedule "A", is hereby removed and the development of the land may proceed in accordance with the "C" (Urban Protected Residential, etc.) District provisions of Zoning By-law No. 6593.

2. Sheet No. E-9B of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by By-law No. 90-351, is further amending by changing from "C"- 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions of Zoning By-law No. 6593.

4. By-law No. 6593, as amended by By-law No. 90-351, is further amended by adding this by-law to section 19B as Schedule S-1209a.

5. Sheet No. E-9B of the District Maps, as amended by By-law No. 90-351, is further amended by marking the lands referred to in section 2 of this by-law, S-1209a.

PASSED this

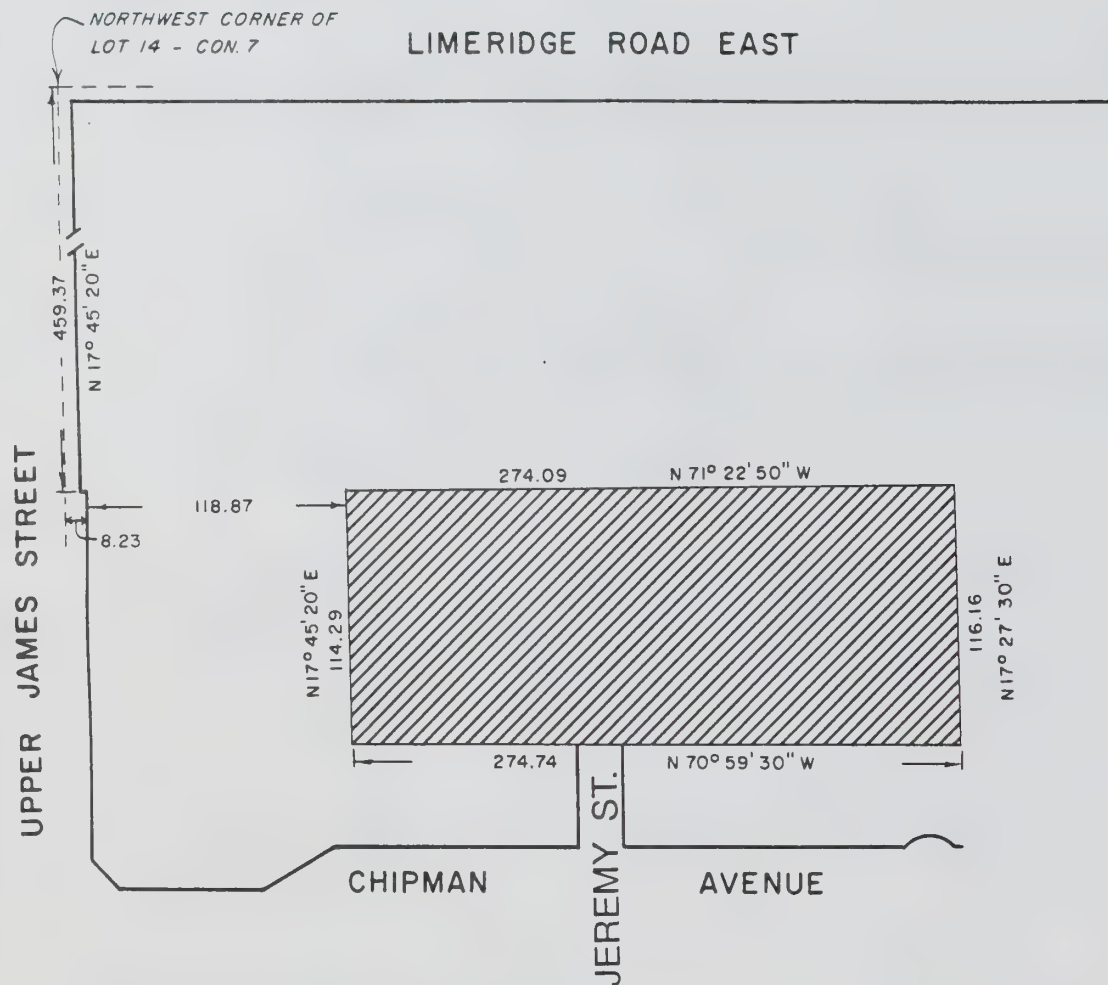
day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 7 R.P.D.C. 2, April 30
603976 Ontario Inc. (Terra Homes), Owner
ZAR-95-06



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
 Passed the day of, 1996.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 96-.....
 to Amend By-Law No. 6593

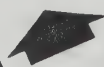
Planning and Development Department

Legend



Lands to be regulated by
 By-Law No. 96-.....

North



Scale
 Not to Scale

Date
 June 1996

Reference File No.
 ZAR-95-06

Drawn By
 W.B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.96-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1996, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	44 DALEWOOD CRESCENT 25 18 01 00510 6500 PLAN 652 PT LOT 1408 PT LOT 1409 SEPTEMBER 12, 1995 VM217192 SEPTEMBER 12, 1996	\$21,308.58
B)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	90 QUEEN STREET SOUTH 25 18 01 00950 0130 SURVEY J MILLS BLK2 RANGE 1 PT LOT 3 SEPTEMBER 28, 1995 VM218248 SEPTEMBER 28, 1996	\$17,062.81
C)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	47 DUKE STREET 25 18 02 01325 0830 PLAN 1270 PT LOTS 122 & 123 RP 62R3460 PART 1 SEPTEMBER 20, 1995 VM217751 SEPTEMBER 20, 1996	\$52,100.47
D)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	184 KING STREET EAST 25 18 02 01520 0250 PLAN 73 PT LOT 2 PT LOT 3 SEPTEMBER 20, 1995 VM217750 SEPTEMBER 20, 1996	\$52,136.69
E)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	696 KING STREET EAST 25 18 03 02325 0130 PLAN 27 PT LOT 6 SEPTEMBER 26, 1995 VM218064 SEPTEMBER 26, 1996	\$37,709.46
F)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1485 MAIN STREET EAST 25 18 04 03330 8600 CON 2 PT LOT 2 BTN HAM SEPTEMBER 26, 1995 VM218062 SEPTEMBER 26, 1996	\$35,057.96
G)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	242 NUGENT DRIVE 25 18 05 04510 4130 PLAN 1249 LOT 38 SEPTEMBER 12, 1995 VM217197 SEPTEMBER 12, 1996	\$15,341.99
H)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	872 UPPER SHERMAN AVE 25 18 07 06510 8390 CON 6 PT LOT 9 BTN HAM SEPTEMBER 12, 1995 LT388972 SEPTEMBER 12, 1996	\$30,870.03
I)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	57 TYRONE DRIVE 25 18 08 09310 2180 PLAN 1369 LOT 26 SEPTEMBER 12, 1995 LT388975 SEPTEMBER 12, 1996	\$22,674.94

SCHEDULE "A"
EXTENSION AGREEMENTS

J)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	159 CHESTER AVENUE 25 18 08 09710 4410 PLAN 823 PT LOT 36 RP 62R13365 PART 2 SEPTEMBER 12, 1995 LT388973 SEPTEMBER 12, 1996	\$19,137.64
K)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	220 CANNON STREET EAST 25 18 02 01820 6380 PLAN 255 LOT 100 TO 101 PT LOT 99 OCTOBER 2, 1995 VM218694 OCTOBER 2, 1996	\$31,993.02
L)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	87 WEXFORD AVE NORTH 25 18 04 03120 7650 PLAN 527 LOT 40 AUGUST 25, 1995 VM216191 AUGUST 25, 1996	\$19,380.48
M)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	196 EAST 23RD STREET 25 18 07 06740 5050 PLAN 485 LOT 464 PT LOT 463 AUGUST 29, 1995 LT387951 AUGUST 29, 1996	\$13,626.35
N)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	794 RENNIE ST 25 18 05 05010 0520 PLAN 308 PT LOT 17 SEPTEMBER 12, 1995 VM217195 SEPTEMBER 12, 1996	\$22,591.55
O)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1097 KING STREET WEST 25 18 01 00550 1390 PLAN 646 PT LOT 335 PT LOT 336 NOVEMBER 7, 1995 VM220880 NOVEMBER 7, 1996	\$14,076.48

BY-LAW NO. 96 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25TH DAY OF JUNE A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 25th day of June A.D. 1996

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1996



URBAN MUNICIPAL

JUL 8 1996

1996 July 4

GOVERNMENT DOCUMENTS

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 July 9
7:30 o'clock p.m.
Council Chambers, City Hall**

J. J. Schatz, City Clerk

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer: Major Garnett Cassell
Salvation Army Family Services**
- 3. Presentations:**
 - a) Sesqui-Sport Provincial Awards - Silver Medal - The Hamilton Blind Bowlers - 5 Pin
- Ed Davies, Gerald Stephenson, Arthur Maybury, Ray Jones, Elaine Revel, Sheldon McDonald, Merdy Campbell, and Coach Susan Davies**
 - b) Canadian 10 Pin Federation Youth National Championships - Gold Medal
- Ryan Dickinson**
- 4. Adoption of the minutes of the meeting held 1996 June 25**
- 5. Correspondence**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
- 7. Notice of Motion for next meeting.**
- 8. Question Period.**
- 9. Adjournment.**

*The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill*

MINUTES

Minutes of Hamilton City Council
Tuesday, 1996 June 25
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Alderman Eisenberger - City Business

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend Bruce Woods, Hamilton Christian Fellowship led Council in prayer.

<p>PRESENTATIONS</p>

Rev. Dennis L. Hillis presented to Mayor Morrow a leather bound New Contemporary English Version of the Bible with the Sesquicentennial logo embossed in gold on its cover and presented to each Member of Council a New Testament which was also be embossed with the logo.

* * * * *

Mayor Morrow presented Sesquicentennial Provincial Awards to the Blessed Sacrament Minor Bantam AAA All-Star Team.

* * * * *

Mr. Gary Hall, representing the Spectator accepted congratulations from the Mayor and Members of City Council in recognition of the Spectators 150th Anniversary and participated in the cutting of an anniversary cake.

ADOPTION OF MINUTES

The minutes of the meetings held 1996 May 28 (regular), and June 18 (special) were adopted as circulated.

The minutes of the special meeting held 1996 June 6 were amended as follows:

It was moved by Alderman Wilson and seconded by Alderman Merling that Section 2 of the Fourth Report of the Committee of the Whole adopted by City Council at its special meeting held 1996 June 6 be amended by adding after the word "Hamilton" in the first line, the word "fundamentally".

CARRIED.

CORRESPONDENCE

1. Letter dated 1996 June 19 from the Office of the Clerk, Regional Municipality of Hamilton-Wentworth respecting the Hamilton-Wentworth Health Survey: Tobacco Results.

Referred to the Finance and Administration Committee.

2. Application dated 1996 May 30 from Parkgate Developments c/o Angelo Puglisi for a change in zoning from "AA" (Agricultural) to "RT-20" (Townhouse-Maisonette) District for 988 Upper Paradise Road, Hamilton, Ontario

Received.

3. Application dated 1996 June 13 from 712169 Ontario Ltd. (Gino Malatesta) for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for 1232 Upper Gage Avenue, Hamilton, Ontario

Received.

4. Letter dated 1996 from J. J. Schatz, City Clerk advising of an objection to By-law No. 96-092 respecting Third Party/Billboard Signs.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor R. M. Morrow, be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

Section 28 Re: Ministry of the Environment and Energy - Dofasco Inc.- 1330 Burlington Street East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 31 Re: Investigate the lack of compliance of the Provincial Governments 3R'S regulations in other municipalities etc.

It was moved by Alderman Merling and seconded by Alderman Charters that Section 31 of the Ninth Report of the Transport and Environment Committee for 1996 be referred back with the following instructions:

"That staff be directed to investigate the lack of compliance of the Provincial Government's 3R's regulations in other municipalities and the Ministries non-enforcement of this Regulation.
CARRIED.

* * * * *

Section 37 Re: Waiving of Parking fees at Municipal Parking Lots - Friday Evening to Sunday Evening.

It was moved by Alderman Merling and seconded by Alderman Agro that Section 37 of the Ninth Report of the Transport and Environment Committee for 1996 be amended to read as follows:

"That the Hamilton Parking Authority be requested to waive the parking fees at all Municipal Parking Lots within the Downtown Core from Friday Evening to Sunday Evening on a three month trial basis."
CARRIED.

<p>PARKS AND RECREATION COMMITTEE - NINTH REPORT</p>

Section 4 Re: Streetables

It was moved by Alderman Anderson and seconded by Alderman Merling that Section 4 of the Ninth Report of the Parks and Recreation Committee for 1996 be amended by deleting the words "Mr. Frosty" in sub-sections (a), (b) and (c) and inserting "Streetables" in lieu thereof.

* * * * *

Section 12 Re: Alcohol in Parks - Grey Cup 1996 Hamilton Inc.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Collins, Charters, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Jackson. -2. **CARRIED.**

* * * * *

Section 14 Re: Purchase Order - Iceco Arena Services and Equipment Inc.

It was moved by Alderman Anderson and seconded by Alderman Merling that Section 14 of the Ninth Report of the Parks and Recreation Committee for 1996 be amended by deleting "\$134,869.44" in the fourth line and inserting "\$128,000." in lieu thereof.

CARRIED.

<p>PLANNING & DEVELOPMENT COMMITTEE - TENTH REPORT</p>

Section 2 Re: Zoning Application '96-04

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Kiss. -1. **CARRIED.**

* * * * *

Section 6(a)(i) Re: Stormwater Management Study - City Engineer

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 6(a)(i) of the Tenth Report of the Planning and Development Committee for 1996 be amended by deleting and replacing the words "Commissioner of the Regional Environment Department" with "City Engineer". **CARRIED.**

* * * * *

Section 6 Re: Land Drainage By-law No. 80-245

It was moved by Alderman Drury and seconded by Alderman Morelli that Section 6 as amended of the Tenth Report of the Planning and Development Committee be referred back and that the Conservation Authority, Hamilton Home Builders Association and the Regional Environmental Services Department be invited to the next meeting of the Planning and Development Committee.

Recorded vote on referral back of Section 6, as amended.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15

NAYS: Mayor Morrow. -1. **CARRIED.**

* * * * *

Section 14 Re: Demolition Permit - 8 Dundurn Street North

Recorded vote.

YEAS: Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan. -2. **CARRIED.**

* * * * *

Section 15 Re: Demolition Permit - 10 Dundurn Street North

Recorded vote.

YEAS: Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan. -2. **CARRIED.**

* * * * *

Section 16 Re: Demolition Permit - 12 Dundurn Street North

Recorded vote.

YEAS: Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan. -2.

CARRIED.

* * * * *

Section 17 Re: Demolition Permit - 14 Dundurn Street North

Recorded vote.

YEAS: Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan. -2.

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - ELEVENTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - TWELFTH REPORT

Section 8 Re: Approved licence fee adjustments for 1997 from the Taxi and Livery (Limousine) categories

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Agro. -1.

CARRIED.

* * * * *

Section 11 (d) Re: Application to Liquor Licence Board of Ontario - 1996 Grey Cup Festival Committee - special exemption

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Merling, Anderson, D'Amico, Ross. 14.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Rule No. 9 Re: Section 19(c) - Licensing By-law No. 93-069

It was moved by Alderman Charters and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a bill respecting an amendment to By-law No. 93-069 to provide for taxi and livery/limousine fee changes.

CARRIED.

* * * * *

Section 19 (c) Re: Introduction of Bill No. D-44: A By-law to Amend Licensing By-law No. 93-069 Respecting Taxi and Livery Licence Fees.

It was moved by Alderman Charters and seconded by Alderman Collins that the following be added as Section 19 (c) of the Twelfth Report for 1996 of the Finance and Administration Committee respecting a By-law on Taxi fee changes:

19. (c) D-44 A By-law to Amend Licensing By-law No. 93-069 respecting Taxi and Livery Licence Fees.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Agro, Drury. -3.

CARRIED.

* * * * *

Rule No. 9 Re: Use of Council Chambers - Hamilton Folk Arts Heritage Council.

It was moved by Alderman Charters and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the Vintage Car and Mobile Sign Welcoming Display on the City Hall Forecourt by Hamilton Folk Arts Heritage Council.

CARRIED.

* * * *

Section 20 Re: Use of Council Chambers - Hamilton Folk Arts Heritage Council.

It was moved by Alderman Charters and seconded by Alderman Collins that the Twelfth Report of the Finance and Administration Committee for 1996 be amended by adding Section 20 as follows:

20. That approval be given to the Hamilton Folk Arts Heritage Council request to place a mobile sign and vintage car on the City Hall forecourt from Tuesday, 1996 June 25 to 29 as a welcome to the vintage car drivers who will be participating in the 1996 Corel Great Race L.L.C. at It's Your Festival in Gage Park.

CARRIED.

* * * * *

Rule No. 9 Re: Section 21 - Toronto Sun Cartoon

It was moved by Alderman Collins and seconded by Alderman D'Amico that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting the cartoon in the Toronto Sun.

* * * *

It was moved by Alderman Collins and seconded by Alderman D'Amico that the following be added as Section 21 of the Twelfth Report of the Finance and Administration Committee:

21. (a) That Hamilton City Council request an apology from the Toronto Sun for the offensive portrayal of the residents of Hamilton East as "buttheads" in a cartoon drawn by Andy Donato and printed in the Toronto Sun following the recent Hamilton East by-election; and
- (b) If an apology is not forthcoming from the Toronto Sun, that Hamilton City Council request the Ontario Press Council to take appropriate action against the Toronto Sun for its offensive publication of the cartoon.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Collins, Jackson, D'Amico. -5.

NAYS: Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Charters,
Merling, Anderson, Ross. -10. **LOST.**

REPORT OF HIS WORSHIP MAYOR R. M. MORROW - SECOND REPORT

NOTICE OF MOTION FOR NEXT MEETING

Mayor Morrow moved that at the next regular meeting of City Council he would move the following motion:

That the Prime Minister of Canada be commended for his initiating discussion of another National Infrastructure Program and that the Government of Ontario be encouraged to participate fully in a new program.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor R. M. Morrow, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:10 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 June 25
JJS/dg

CORRESPONDENCE

Correspondence:

1. Petition dated 1996 June 26 from residents of the Gage Park area opposing the sale of beer in the Park at family events.

Recommendation: Be Referred to the Parks and Recreation Committee.

2. Application dated 1996 June 20 from Hamilton Habitat for Humanity, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for 607 Queen Victoria Drive, Hamilton, Ontario.

Recommendation: Be Received.

As a citizen of Hamilton, living in the Gage Park area, I am strongly opposed to the sale of beer in the park at family events. I would like the L.L.B.O. revoke the license that permits the sale of alcohol at the Festival on June 28,29,30, 1996.

Name

Address

Phone

Belene Guagliardo	119 Rothsay Ave	547-2731
Jerry Hays	705 Montclair Ave	547-7597
James G. Van Bort	19 McChesney St	547-8599
A. Permei	42 Rothsay Ave	544-7707
L. Novak	69 McChesney St	544-6135
Wade Perniac	42 Rothsay Ave	549-7707
Shirley Duncanson	62 ROTHSAAY AVE	547-7167
HG Duncanson	" " "	"
Paul Price	103 Rothsay Ave	4-2727
James McDiarmid	58 Rothsay	7004
Murray McDiarmid	58 Rothsay	104
Lois Evans	54	
James Mazzotta		549-6650
Anthony Mazzotta		547-6050
Michael Ryan		547-6050
Erwin Yee	Windsor Ave	547-7318
Mr. N	57 Rothsay Ave	545-0536
W. N	59 Rothsay Ave	549-9166
Paul N	74 Rothsay	547-8007
Alb. Neufahrt	80 Rothsay	547-1072
James N	83 ROTHSAAY	549-1674
Carl N	100 ROTHSAAY	549-1812
Carol Weaver	109 Rothsay	544-2066
Lois Anne Heddlie	109 Rothsay	544-2066
Carlene McDonald	109 Rothsay	544-2066
Old Van der	112 Rothsay	547-3394
Van der	112 Rothsay	547-3394
Bill Thompson	116 ROTHSAAY	547-0004
Harry Bell	116 Rothsay	544-1177

SAMPLE OF PETITION CONTAINING
APPROXIMATELY 160 SIGNATURES.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To The Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1996 and respectfully recommends:

1. That the existing "No Parking" regulation on the south side of Linden Street between Cavell Avenue and Lincoln Street be revised to allow unrestricted parking on the south side from a point 58 feet west of Lincoln Street to a point 41 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.
2. That the existing "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the north side of Young Street commencing at a point 39 feet west of West Avenue South and extending to a point 20 feet westerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
3.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Somerset Avenue commencing at a point 279 feet east of Sherman Avenue North and extending to a point 17 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Jean Grills, No. 17 1/2 Somerset Avenue.
4.
 - (a) That the Fessenden Neighbourhood be designated as a Neighbourhood Watch Area; and,
 - (b) That Neighbourhood Watch signs for the Fessenden Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,

- (c) That the necessary funds be charged to Account No. CH55301 75030 (Neighbourhood Watch Program).
- 5. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the east side of West 2nd Street commencing at a point 141 feet south of South Bend Road West and extending to a point 23 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
- 6. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the west side of Parkview Drive commencing at a point 59 feet north of Franklin Avenue and extending to a point 19 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
- 7.
 - (a) That the Riverdale West Neighbourhood be designated as a Neighbourhood Watch Area; and,
 - (b) That Neighbourhood Watch signs for the Riverdale West Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
 - (c) That the necessary funds be charged to Account No. CH55301 75030 (Neighbourhood Watch Program).
- 8. That the application of the Regional Municipality of Hamilton-Wentworth, to temporarily close the following City streets from Friday 1996 July 12 at 4:00 o'clock p.m. to 1996 Sunday July 14 at 11:00 o'clock p.m. and from Saturday 1996 July 20 at 9:00 o'clock a.m. to Sunday 1996 July 21 at 11:00 o'clock p.m.:

Bay Street North from Burlington to Guise
MacNab Street North from Burlington to Guise
James Street North from Burlington to Guise
Hughson Street North from Burlington to Guise
John Street North from Burlington to Guise
Catharine Street North from Burlington to Brock
Mary Street North from Burlington to Brock

Ferguson Avenue North from Burlington to Guise
Guise Street from Bay to Ferguson
Wood Street from Bay to Burlington
Brock Street from Mary to Hughson

be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
- (b) That the applicant provide a certificate of insurance for \$5,000,000 public liability insurance; with the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
- (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
- (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (e) That all barricading be supplied by and at the expense of the applicant; and,
- (f) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Transportation; and,
- (g) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
- (h) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

- (i) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.
9. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:
- "ALLISON ESTATES - PHASE 1, STAGE 2", Hamilton**
- City's Share - NIL - Owner's Share - \$ 75,122.77
- "RYMAL SQUARE ESTATES - PHASE 6", Hamilton**
- City's Share - NIL - Owner's Share - \$216,669.91; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Allison Estates - Phase 1, Stage 2", and Rymal Square Estates - Phase 6", Hamilton as well as and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
 - (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered he should be allowed to do so at their own risk provided that he enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of services in "Rymal Square Estates - Phase 4", previously approved in the amount of \$35,989.72, be increased to a total of \$143,006.15 and that the additional amount of \$107,016.43 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.

10. (a) That the application of the Hess Village Merchants Association to temporarily close Hess Street between George Street and King Street from 9:30 o'clock a.m. on Thursday 1996 July 11 until 12:00 o'clock noon Monday 1996 July 22, to hold the Hess Village Performing Arts Festival, be approved, subject to the following conditions:
- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (ii) That the applicant provide a certificate of insurance for \$5,000,000 public liability insurance, with the Corporation of the City of Hamilton shown as an additional insured, and with the policy providing for cross-liability and severability; and,
 - (iii) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
 - (v) That all barricading be supplied by and at the expense of the applicant; and,
 - (vi) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic, on the affected roadways, if deemed necessary by the Commissioner of Transportation; and,
 - (vii) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,
 - (viii) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (ix) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

- (b) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for The Gown and Gavel, No. 24 Hess Street South from Friday, 1996 July 12 to Sunday, 1996 July 21 in conjunction with the Hess Village Performing Arts Festival.
11. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", attached hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined on Appendix "A" be set for the encroachments.
12. (a) That Streets By-law No. 9329, as consolidated by By-law No.86-77 be amended by adding the following as Section 5:
- 5. (1) hedges, shrubs and other plant material may be permitted on the highway provided that any such hedge, shrub or other plant material situated within the highway shall not create a visual obstruction to traffic using the highway and shall be maintained at not higher than 76 cm or 30 inches in height, shall not overhang the sidewalk, shoulder or roadway, shall maintain a minimum clearance .6 metres or 2 feet from a fire hydrant and shall not obstruct the view of a fire hydrant from the road; and,
 - (2) trees within the highway shall be pruned to the trunk for the first 2.4 metres or 8 feet above the ground; and,

- (b) That the policy regarding enforcement of violations of The City of Hamilton's Streets By-law in respect to visibility obstructions, hedges, shrubs, and other plant material, attached hereto as Appendix "B", be adopted; and,
 - (c) That the Law Department be directed to prepare the necessary amendments to By-law No. 9329, as consolidated by By-law No. 86-77.
- 13.
 - (a) That three-way stop control be implemented at the intersection of Innswood Place and Templemead Drive; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
- 14. That the By-law to regulate temporary closures of highways to vehicular traffic for social, recreational, community, athletic or cinematographic purposes; to establish the Highway Temporary Closures Committee, and to delegate some of Council's authority to this Committee, be enacted.
- 15. (a) That the application of the Grey Cup 1996 Festival Committee to temporarily close the following street to hold the 1996 Grey Cup Downtown Festival including buskers, entertainment, beer tents and the consumption of alcohol, from Thursday 1996 November 21, at 10:00 o'clock a.m. to Sunday 1996 November 24, at 2:00 o'clock a.m.:

MacNab Street South between King Street and Main Street; and,

- (b) That the application to temporarily close the following streets to facilitate pedestrian movement to and from the Grey Cup Game, on Sunday 1996 November from 6:00 o'clock a.m. to 12:00 o'clock midnight:

Balsam Avenue between King Street and Barton Street
Melrose Avenue between King Street and Barton Street
Beechwood Avenue between Gage Avenue and Lottridge Street
Connaught Avenue between King Street and Barton Street; and,

- (c) That the application to temporarily close the following street to hold the 1996 Grey Cup Game Day Festival including buskers, entertainment, beer tents and

the consumption of alcohol as well as to facilitate pedestrian movement to and from the Grey Cup Game, from Sunday 1996 November 24, at 6:00 o'clock a.m. to Sunday 1996 November 24, at 12:00 o'clock midnight:

Cannon Street between Gage Avenue and Lottridge Street; and,

- (d) That the application of Grey Cup 1996 Hamilton Inc. - Hamilton Santa Claus Parade Committee to temporarily close the following streets in Hamilton on Saturday, 1996 November 23, from 2:00 o'clock p.m. to 5:00 o'clock p.m. to hold the Hamilton Santa Claus/Grey Cup Parade:

Peter Street between Ray Street and Hess Street
Napier Street between Ray Street and Hess Street
Market Street between Queen Street and Ray Street
Hess Street between Jackson Street and Market Street
Hess Street between York Boulevard and Cannon Street
Caroline Street between Hunter Street and Market Street
MacNab Street between Hunter Street and Main Street
Hughson Street between Jackson Street and King William Street; and,

be approved, each of the above subject to the following conditions:

- (i) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
- (ii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
- (iii) That all barricading be supplied by and at the expense of the applicant; and,
- (iv) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Transportation and at the expense of the applicant; and,
- (v) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the

Department of Public Works and Traffic and at the expense of the applicant; and,

- (vi) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (vii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,
- (viii) That the applicant provide proof of \$5,000,000 public liability insurance and liquor liability naming the Region and the City of Hamilton as an added insured party with a provision for cross liability, and holding the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (ix) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for the 1996 Grey Cup Downtown Festival on MacNab Street, from Thursday 1996 November 21, at 10:00 o'clock a.m. to Sunday 1996 November 24 at 2:00 o'clock a.m.; and,
- (x) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for 1996 Grey Cup Game Day Festival, from Sunday 1996 November 24 at 6:00 o'clock a.m. to 12:00 o'clock midnight; and,
- (xi) That the applicant adhere to the regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcohol; and,
- (xii) That those organizers and their workers who are providing alcoholic beverages be encouraged to participate on a volunteer basis, in a "Server Intervention Training Program."; and,
- (xiii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,

- (xiv) That staff and Hamilton Wentworth Regional Police be directed to work with the Grey Cup 1996 Hamilton Officials and Ward Aldermen to develop a strategy to allow access and egress for affected area residents adjacent to the stadium.
- 16. That the Owner's request for the Region to accept the transfer of a 0.30 metre reserve as security in lieu of cash payment for the existing above ground services on Alfrin Court adjacent to Block 6 on the proposed final plan for "Claudette Gardens - Phase 6", be approved.
- 17. That the two driveway approaches on Rapallo Drive at the rear of Emmanuel United Church be permanently closed.
- 18. That City Council be advised that the Transport and Environment Committee is not satisfied with the level of service presently being provided in regards to the "Blue Box" recycling programme pick-up.
- 19.
 - (a) That the construction of thirteen (13) concrete apron approaches estimated at \$20,000 on both sides of Stone Church Road East between Upper Gage Avenue and Upper Sherman Avenue be funded from the 1996 Capital Levy (City's Share of Locals - Residential); and,
 - (b) That the Commissioner of Transportation be authorized and directed to construct these works on behalf of the City of Hamilton.
- 20. That the Commissioner of Public Works and Traffic be responsible for work as the City Engineer and undertake the duties previously under the auspices of the Commissioner of Transportation and Environmental Services, acting as the City Engineer.
- 21. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) A-38 A By-law to Amend By-law No. 89-72 to Regulate Traffic

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- (b) A-39 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (c) A-40 A By-law to Amend Streets By-law No. 86-77 Respecting Temporary Highway Closures for Events

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 July 4

Appendix "A" as referred to in
Section 11 of the Tenth Report
of the Transport and Environment
Committee for 1996

Municipal Address and Location	Owner	Type of Encroachment	First Year/ Annual Fee
358 Guelph Street Guelph and Mahony Avenue	Michael Dewyk	Existing steps measuring approximately 3.500m wide encroaching approximately 6.4cm onto Guelph Street	\$138/20
125 Ray Street South Ray Street South	Nancy Jane Young	Existing steps measuring approximately 1.219m wide encroaching approximately .893m onto Guelph Street	\$138/20
57 Barclay Avenue Barclay at Newton Avenue and Paisley Avenue	Ron Lariviere	Existing steps measuring approximately 1.295m wide encroaching approximately 0.463m onto Barclay Street	\$138/20
236 Macauley Street East Macauley Street East at Wellington Street North	David Christopher Desnoyers	Existing verandah and steps. The verandah measures approximately 6.858m encroaching approximately 0.436m onto Macauley Street. The steps measure approximately 1.219m wide encroaching approximately 1.828m.	\$138/20
450 Beach Road Martimas Avenue at Beach Road	Ljubo Roanich	Existing building encroaches 1.036m at the northerly end and 1.158m at the southerly end of the east side of the building onto Martimas Avenue.	\$138/20
904 King Street East St. Clair Avenue at King Street East	1112824 Ontario Ltd.	Existing building encroaching approximately 0.213m onto St. Clair Avenue and is 6.465m from King Street East	\$138/20
294 Grosvenor Avenue North Grosvenor Avenue North	Ronald Eldon Spencer	Existing steps measuring approximately 1.600m wide encroaching approximately 0.655m onto Grosvenor Avenue North.	\$138/20

Appendix "B" as referred to in
Section 12 of the Tenth Report of
the Transport and Environment
Committee for 1996

**POLICY/PROCEDURE REGARDING ENFORCEMENT
OF VIOLATIONS OF THE STREETS (HEDGE) BY-LAW**

- a) Enforcement of the by-law will be by the Commissioner of the Department of Public Works and Traffic and will be exercised in the following manner:

The Department of Public Works and Traffic shall trim any vegetation on the highway in the following situations:

i) at the intersection of two public highways where, in the opinion of the Commissioner of The Department of Public Works and Traffic, a visibility obstruction or pedestrian barrier affects the safety of the general public; and

ii) at non intersection locations, upon complaint of the abutting resident/owner who is immediately affected by the obstruction, or where in the opinion of the Commissioner of The Department of Public Works and Traffic it is deemed a visibility obstruction or hazard, or pedestrian obstruction.

- b) The Department of Public Works and Traffic shall serve on the offending property owner:

i) A notice of violation which shall consist of a written field violation notice giving the property owner two weeks to reduce the plant material to the proper size. This notice should either be given directly to the property owner or placed in the mailbox.

ii) At the end of the two week period, staff of The Department of Public Works and Traffic will reinspect the site. If the property owner has not complied with the notice, a follow-up, registered letter from the Commissioner of The Department of Public Works and Traffic will be sent to the property owner advising them to comply within one week. At the end of one week, The Department of Public Works and Traffic staff will reinspect the site and take whatever action is necessary to comply with the by-law, and charge any costs to the owners of the property on their tax bill.

1996 July 9

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1996 and respectfully recommends:

1. That approval be given to St. Georges Benevolent Society to erect a tent for a dinner on the north lawn (bayside) of Dundurn Castle on 1996 September 26 for a fundraising event, subject to the following conditions:
 - (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That alcoholic beverages (wine only) be served in the confined area of the tent; and,
 - (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and
 - (f) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event; and,
 - (g) That the rental permit fee of \$50. per day be waived.
2. (a) That approval as required by Parks By-law No. 95-126, Section 11 be given to the Hellenic Community of Hamilton - St. Demetrios Church to sell alcoholic beverages in Victoria Park on 1996 July 26 to July 28 from 12:00 o'clock noon to 11:00 o'clock p.m. and,

- (b) That approval be granted to the Hellenic Community of Hamilton - St. Demetrios Church to locate carnival rides in Victoria Park on the occasion of the annual Greek Festival held 1996 July 26 to July 28, subject to the following terms and conditions:
 - (i) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages (beer only) be served in the confined area of the tent; and,
 - (iv) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (v) That those organizers and their workers who are providing Alcoholic Beverages be encouraged to participate on a volunteer basis, in a "Server Intervention Training Program"; and,
 - (vi) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (vii) That the Hellenic Community of Hamilton - St. Demetrios Church enter into licence agreement satisfactory to the City Solicitor; and,
 - (viii) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event; and,
 - (ix) That the LLBO be advised that the City of Hamilton deems the Greek Festival as a community festival of municipal significance and as such has no objection to the issuance of a Special Occasion Permit.
- 3. That approval, as required by Section 11 Parks By-law No. 95-126, be given to the "Who We Playin Slo-Pitch Team" to sell alcoholic beverages on 1996 July 13 and July 14 in conjunction with their tournament to be held at Globe Park, subject to the following terms and conditions:

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- (a) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That alcoholic beverages be served in a confined and fenced area of the Park; and,
 - (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (e) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (f) That the Concessionaire be contacted to make the necessary arrangements for the provision of food at that location; and,
 - (g) That the organizers and their workers who are providing alcoholic beverages be encouraged to participate, in server intervention training.
- 4.
- (a) That the City of Hamilton indicate its support for the licensing of the Dundurn Castle Stable Building Restaurant/Conference Centre for the purpose of permitting the sale of wine and beer; and,
 - (b) That the Director of Culture and Recreation be authorized to make application to the Liquor Licence Board of Ontario for this purpose.
- 5.
- (a) That approval be granted to the Director of Culture and Recreation to contract Dogie Daddy to barbecue and sell food and beverages during the Golden Horseshoe Live Steamers Days (1996 July 1, August 18, September 8 and September 22, October 20) at the Hamilton Museum of Steam and Technology; and,
 - (b) That \$.50 per non-beverage sale be split between the Hamilton Museum of Steam and Technology (Account No. CH48097 71405) and the volunteer group Golden Horseshoe Live Steamers.

6. That approval as required by Section 40(1)b of Parks By-law No. 95-126 be granted to the Stoney Creek Lions Club to sell raffle tickets during the Annual Antique Steam and Gas Engine Show at the Hamilton Museum of Steam and Technology 1996 July 27 and July 28.
7. (a) That approval be granted to the City of Hamilton to contract John Bokstein to barbecue and sell food and beverages, and Streetables to sell ice cream at the Dundurn Castle Sesquicentennial Picnic on August 4 in Dundurn Park; and,
 (b) That 25% of the gross sales from the concession from John Bokstein and Streetables for the Sesquicentennial Picnic be deposited in Dundurn Castle Trust Account No. CH4X999 00408.
8. That the City Treasurer be directed to close the following Capital Project Accounts of the Culture and Recreation Department with any excess funding be transferred to its original source of financing:

CF No.	Project Title	Authorised Gross Cost	Total Expenditure	Excess Funds
708941003	Seniors' Recreation Centre, Warden Park, 53 Lake Avenue	\$ 100,000	\$ 9,469	\$ 90,531
709441021	Riverdale Recreation Centre	\$ 450,910	\$ 126,826	\$ 324,084
709441035	Rubber Flooring, Lawfield Arena & Rosedale Arena	\$ 63,000	\$ 62,522	\$ 488

9. That the Special Events Guidelines, approved by Council at its meeting held 1996 January 30, as Section 9 of the First Report of the Parks and Recreation Committee for 1996, be amended to include - "Ivor Wynne - Site Specific Guidelines" attached hereto as Appendix "A".
10. (a) That the City accept donations from the Friends of Gage Park/individual donors for future construction of capital projects at Gage Park; and,
 (b) That an income tax receipt be issued for each donation of \$10 or more; and,

- (c) That a capital project file for the construction of a spray pad facility be prepared in consultation with the Friends of Gage Park and be submitted for consideration in the Capital Budget Process.

11. That the Treasurer be directed to close the following Priority One Park capital accounts with the available funds being returned to their original source of financing:

Account Centre	Project Description	Authorized Gross Cost	Expended/ Committed to Date	Balance of Funding	Source of Financing
CF628650002	McAnulty Land Acquisition	\$150,000	\$139,925.83	\$10,074.17	Reserve for Parkland
CF628650004	Rushdale Land Acquisition	\$1,230,750	\$1,215,865.05	\$14,884.95	Reserve for Parkland
CF628650005	Beasley Land Acquisition	\$1,231,700	\$1,120,153.37	\$111,546.63	Reserve for Parkland
CF628650006	Durand Land Acquisition	\$137,910	\$77,571.52	\$60,338.48	Reserve for Parkland
CF628650009	Landsdale Land Acquisition	\$681,500	\$655,975.77	\$25,524.23	Reserve for Parkland
CF628650010	Keith Land Acquisition	\$329,820	\$333,015.34	(\$3,195.34)	Reserve for Parkland

12. That the Mayor and City Clerk be authorized and directed to execute a Partial Release of a Licence Agreement with Ontario Hydro, in a form satisfactory to the City Solicitor for the lands and premises situated in the Regional Municipality of Hamilton-Wentworth, formerly in the Township of Barton, now in the City of Hamilton, being firstly, part of Lots 9 and 10, Concession 7, having frontage on Rushdale Drive, extending southerly to the northerly limit of Stone Church Road East, and secondly, part of Lot 10, Concession 8, having frontage on the southerly limit of Stone Church Road East, extending southerly to an area south of Acadia Drive, as outlined on Appendix "B" attached hereto.

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13. That, subject to endorsement from the Canada-Ontario Infrastructure Program, the Director of Culture and Recreation and the City Solicitor be authorized to negotiate a licence agreement with Grey Cup 1996 Hamilton Incorporated permitting them to construct temporary structures under Section 25 and 27 for the purpose of providing press box areas to house approximately 300 working and non-working press media for the 1996 Grey Cup Game and, potentially the Eastern Conference Final.
14.
 - (a) That the City of Hamilton reaffirm its intent to bid to host the Canada 2001 Summer Games; and,
 - (b) That the Canada Games Interim Bid Committee, with the Mayor and the Chairman of the Parks and Recreation Committee, be authorized to solicit corporate and community support for the Bid; and,
 - (c) That the Director of Culture and Recreation be authorized to pursue a partnership agreement with the City of Brantford in support of the Bid.
15.
 - (a) That the Commissioner of Public Works and Traffic be directed to work with "Green Venture" in drafting a partnership agreement between the City and Green Venture identifying areas where the two organizations can work together to achieve mutual objectives; and,
 - (b) That the Commissioner of Public Works and Traffic provide Green Venture with up to four plots in the teaching garden for use as demonstration gardens for public education programs.

Respectfully Submitted,

Kevin C. Christenson
Secretary

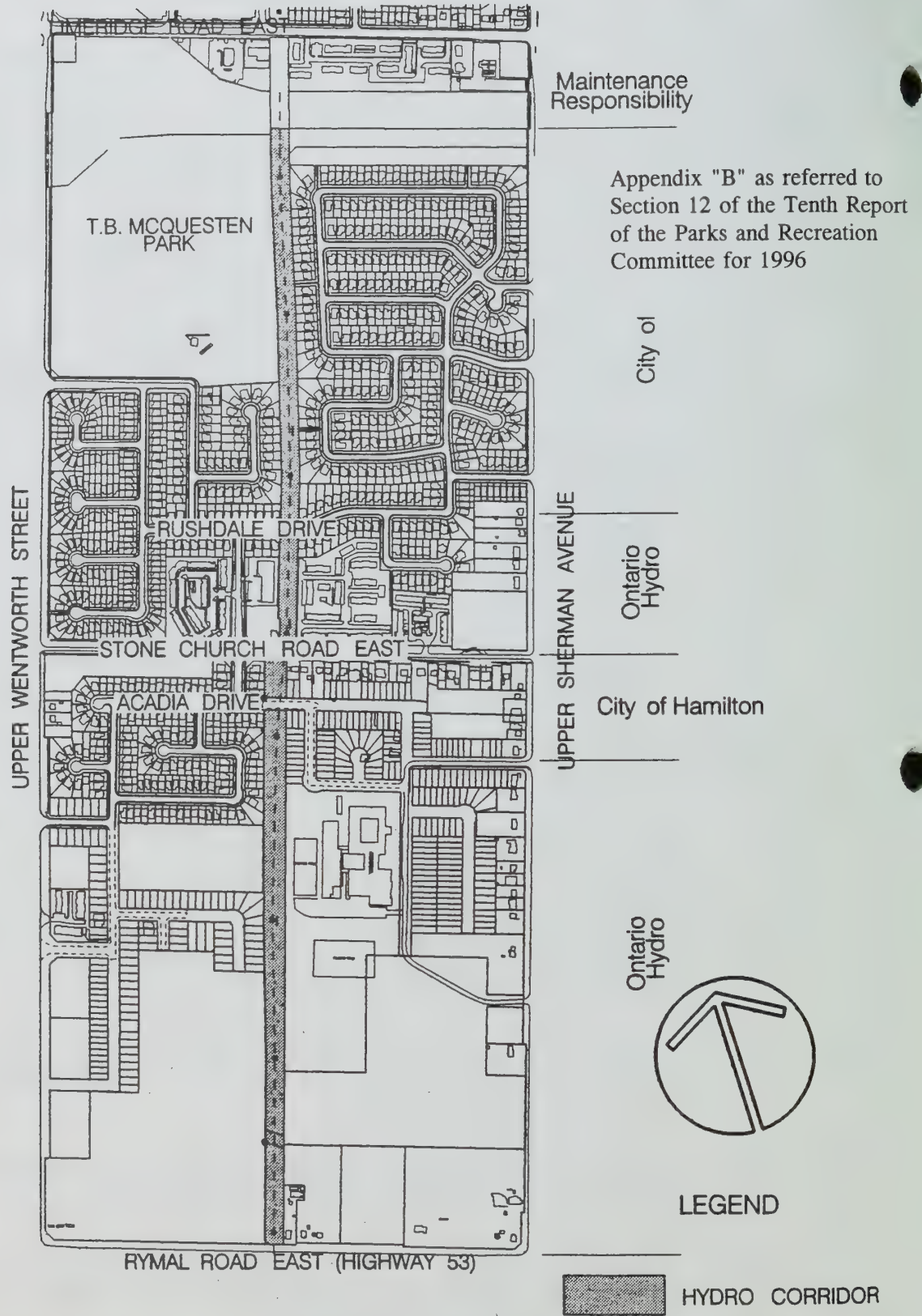
ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1996 July 2

Appendix "A" as referred to
Section 9 of the Tenth Report
of the Parks and Recreation
Committee for 1996

IVOR WYNNE - SITE SPECIFIC GUIDELINES

1. Ivor Wynne Stadium will be used primarily for sporting events. Arts, cultural and community events of a large scale will be considered, with potential disruption to the neighbourhood as a primary concern.
2. Application must be received a minimum of two weeks prior to the event for small scale events, 90 days for larger events, and at least 6 months or more for major sporting events with a large municipal impact. A non-refundable deposit, determined by staff, of \$100-500, depending on the size of the event, must be paid when the application is submitted.
3. Contractual arrangements for major sporting events are subject to various terms being negotiated with staff and approved by City Council.
4. Food and drink concessions will be provided through an existing contractual arrangement.
5. All street closures, postings of signs, cleanup, staffing, and security (policing) charges are to be borne by the organizer.
6. A deposit covering all of the Corporations costs must be received a minimum of two weeks prior to the event. Final approval, by staff, of the event, may be withheld until the deposit is received.
7. Where necessary a noise control officer will be on site at the expense of the event organizer to ensure compliance with the Corporations established noise level regulations.
8. Events involving fireworks must adhere to the City of Hamilton Fireworks By-law. Only low level fireworks displays will be allowed.
9. Ivor Wynne Stadium will not be available for major music concerts ie: Pink Floyd. Smaller music concerts accompanying sporting events must be approved in writing by the Director.
10. Parking will be provided through an existing contractual arrangement.



<div> <div></div> <div>City of HAMILTON</div> </div>	Project	MOUNTAIN FREEWAY TO HIGHWAY 53	Date	JUNE 18, 1996
	Title	HYDRO CORRIDOR AND EASEMENTS	Scale	1:10000
			Dwg. No.	

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1. That approval be given to City Initiative 96-E for a modification to Zoning By-law No. 6593 for the Westdale North Neighbourhood, as shown on the attached map marked as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, and "H" (Community Shopping and Commercial, etc.) District on the following basis:
 - (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45;
 - (ii) Notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
 - a) an attached garage;
 - b) a detached garage; and,
 - c) the floor occupied by heating, air conditioning and laundry equipment;
 - (iii) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;
 - (iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;
 - (v) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,
 - (vi) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the

Westdale North Neighbourhood;

- (b) That notwithstanding Section 11 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;
 - (c) That in addition to the requirements of Section 14 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;
 - (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1364, and that the subject lands on Zoning District Maps W-21, W-22, W-31 and W-32 be notated S -1364;
 - (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-21, W-22, W-31 and W-32 for presentation to City Council; and,
 - (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:
- (a)
 - (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;
 - (ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,
 - (iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;
- for up to 120 days in advance of Council passing the by-law ;
- (b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,
 - (c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified.

3. (a) That the City Solicitor be authorized and directed to amend Section 6 of the Land Drainage By-law No. 80-245, as amended, to include items (i) to (v) inclusive as follows:
- (i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the City Engineer, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,
 - (ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,
 - (iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,
 - (iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,
 - (v) Roof Leaders shall not discharge directly onto a sidewalk or driveway; and,
 - (vi) That the lot grading plans be registered on title; and,
 - (vii) That the subdivision plans which include lot grading remain on title for each individual lot in the subdivision; and,
 - (viii) That the Ward Alderman be included in the review process for the implementation of storm water management; and,
 - (ix) That the review process and implementation of storm water management be applicable only to developments of 3 or more lots.
- (b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,
- (c) That the City request that the Region be directed to further review the Ministry of Environment and Energy "Stormwater Management Practices Planning and Design Manual, 1994 June" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton.

4. (a) That the budget as outlined in APPENDIX "C" be approved for the Visual Arts component of the Barton Street Revitalization Program; and,
- (b) That the City Treasurer be authorized and directed to forward \$20,000 for the Visual Arts component to the Barton Street B.I.A..
5. (a) That the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Public Service Announcement (P.S.A.) competition:

First Prize:	Matthew Taylor
Second Prize:	Debbie Hogg
Third Prize:	Sheileen Kew

All of the P.S.A.'s contain messages about keeping Hamilton clean.

- (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$600; second prize at \$400; third prize at \$200; and, a donation to Mohawk College Media Studies Department of \$1,300 for development of the videos and use of equipment.
6. (a) That Item 9 of the Planning and Development Committee Report 10-94, approved by Council on 1994 June 28, regarding approval of the cash payment in lieu of 5% parkland dedication in the amount of \$3,400 for "Claudette Gardens - Phase 6" be rescinded and replaced with Item (b) below.
- (b) That the City of Hamilton accept the sum of \$7,000 as cash payment in lieu of 5% land dedication in connection with "Claudette Gardens - Phase 6", Hamilton, and \$33,750 in connection with "Rymal Square Estates - Phase 6", as being the cash payment required under Section 51 of the Planning Act.
7. That the City Clerk advise the City of Stoney Creek that:
 - a) the City of Hamilton supports the City of Stoney Creek's Official Plan Amendment, Secondary Plan and associated zoning changes for the Olde Town with the exception of the Cardinal Newman Secondary School site.
 - b) the Cardinal Newman School site should not be designated MEDIUM DENSITY in the Secondary Plan until such time as the Stoney Creek, in conjunction with the City of Hamilton, develops a comprehensive plan for the site. Furthermore, that vehicular access be prohibited from Cromwell Crescent.

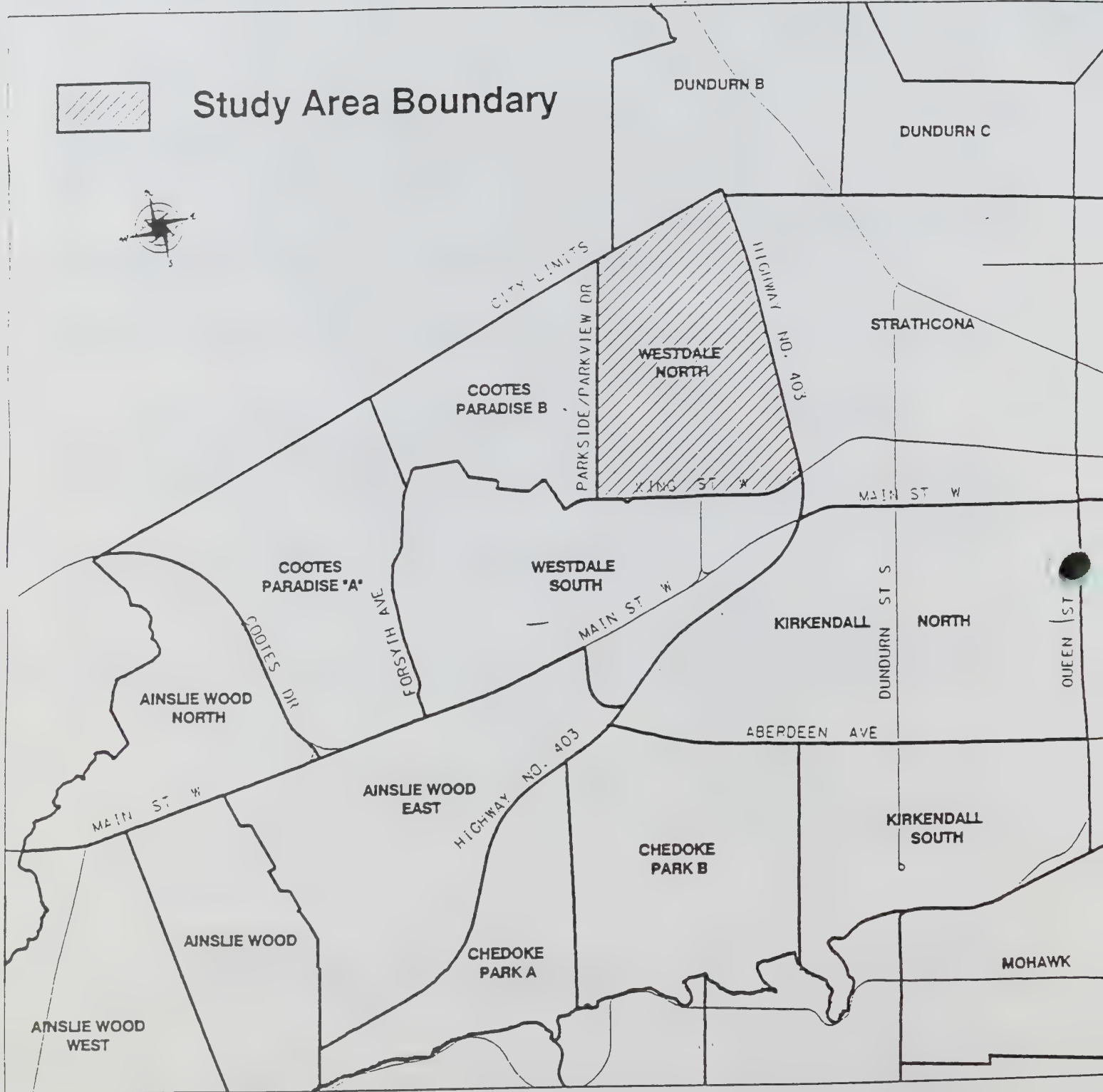
1996 July 9

8. That the City appear to oppose requests for leave to appeal from the decision of the Ontario Municipal Board which decision was the denial to a request to an adjournment of a hearing regarding the Ainslie Wood Neighbourhood By-laws No. 95-02 and 95-03 ("Monster Homes").
9. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-34 A By-law to Adopt Official Plan Amendment No.133 Respecting Lands Located at Municipal Nos.775 and 779 Upper Wentworth Street at the North-East Corner of Upper Wentworth Street and Mohawk Road East Within the Burkholme Neighbourhood; and,
 - (b) C-35 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 775 and 779 Upper Wentworth Street; and,
 - (c) C-36 A By-law to Amend Zoning By-law No. 6593 Respecting Westdale North Neighbourhood; and,
 - (d) C-37 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located East of Upper Sherman Avenue, West of Eleanor Avenue and Abutting Dulgaren Street known municipally as 1471 Upper Sherman Avenue and 90 Eleanor Avenue; and,
 - (e) C-38 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Upper Wellington Street and South of Rymal Road East.
 - (f) C-39 A By-law to Prescribe a Fee for a Consent Application to the Committee of Adjustment.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 July 09**



THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.

A BY-LAW TO REGULATE THE SIZE, USE,
LOCATION AND MAINTENANCE OF
MOBILE SIGNS ON PRIVATE PROPERTY
WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

- (a) "agent" means a person designated by another person to act on his behalf;
- (b) "applicant" means a person applying for a mobile sign permit under this By-law;
- (c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
- (d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
- (e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
- (f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
- (g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
- (h) "Corporation" means The Corporation of the City of Hamilton;
- (i) "Council" means the Council for The Corporation of the City of Hamilton;
- (j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
- (k) "downtown core" means the area shown on Schedule "A" of this By-law;
- (l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public

- or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;
- (m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;
 - (n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;
 - (o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;
 - (p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;
 - (q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;
 - (r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;
 - (s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;
 - (t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;
 - (u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;
 - (v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;
 - (w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;
 - (x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;
 - (y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;
 - (z) "premises" means specific property, and includes all buildings and accessory structures thereon;
 - (aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;
 - (bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;
 - (cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;
 - (dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame;
 - (ee) "third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located; and,
 - (ff) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

- (a) receive and process all applications for mobile sign permits required under this By-law;
- (b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
- (c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
- (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

- 3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.
- 4. A person or his agent, may obtain a mobile sign permit if:
 - (a) he completes an application form provided by the Chief Building Official or his designate;
 - (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
 - (i) distance to the nearest street lot line;
 - (ii) distance to the nearest edge of pavement of the nearest roadway;
 - (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
 - (iv) distance to the nearest edge of the nearest mobile sign;
 - (v) distance to the nearest edge of a building;
 - (vi) distance to the nearest residential property; and
 - (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.
- 5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.
- 6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.
- 7. At any one property a maximum of one (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.
- 8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.
- 9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.
- 10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.
- 11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.
- 12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:
 - (a) is located on property which is zoned as:
 - (i) a "commercial district" including:
 1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
 2. the "H" and "HH" Districts; or
 - (ii) an "industrial district" including:
 1. the "J" and "JJ" Districts;
 2. the "K" and "KK" Districts; and
 3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";
 - (b) is displaying a message that clearly indicates the use is for the property for which an application has been made;
 - (c) is in good repair and has not become unsafe, unsightly or dangerous;
 - (d) is situated at grade;
 - (e) where it is electrically illuminated, has Ontario Hydro safety code approval;
 - (f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
 - (g) is located on private property and is not located on a road allowance;
 - (h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
 - (i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
 - (j) has not greater than 5.6m² of sign area per face with no one dimension greater than 2.4m; and
 - (k) has a sign height that does not exceed 2.4m.
14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:
 - (a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;
 - (b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;
 - (c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;
 - (d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
 - (e) which is for the purpose of third party advertising;
 - (f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
 - (g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
 - (h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
 - (i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
 - (j) with electrical wiring in the path of vehicular or pedestrian traffic;
 - (k) which has flashing or moving lights;
 - (l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
 - (m) which in whole, or in part is an electronic variable message centre;
 - (n) which emits illumination resembling an emergency light or traffic regulating device;
 - (o) prior to the issue date or after the expiry date as set out in the mobile sign permit;
 - (p) which would be an unsafe sign;
 - (q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;

- (r) within 30 feet (9 metres) of the intersection of two streets;
 - (s) within 50 feet (15 metres) of a residential district;
 - (t) where the setback from property lines to the mobile sign is less than 1.5 metres;
 - (u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
 - (v) where the property is zoned anything other than that indicated in section 13;
 - (w) where the property on which the mobile sign is located is zoned "residential";
 - (x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
 - (y) where two mobile sign permits have already been issued for the property and have not expired;
 - (z) where the mobile sign would not comply with this or any other by-law;
 - (aa) which has more than two sign faces or any one sign face which exceeds 5.6m² in area or has any one dimension that is greater than 2.4m;
 - (bb) which has a maximum height measured from grade greater than 2.4m; and
15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.
16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.
17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
- (a) where the mobile sign does not conform to this By-law and amendments thereto;
 - (b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
 - (c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
 - (d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.
- The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.
- (b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars (\$300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
- (b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee

- or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;
- (c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;
 - (d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;
 - (e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;
 - (f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar (\$100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;
 - (g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

- 21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars (\$5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.
- (b) Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.
- (c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

- 22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

- 23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for

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delivery appearing on the records of the Chief Building Official or his designate. Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the day of , 19 .

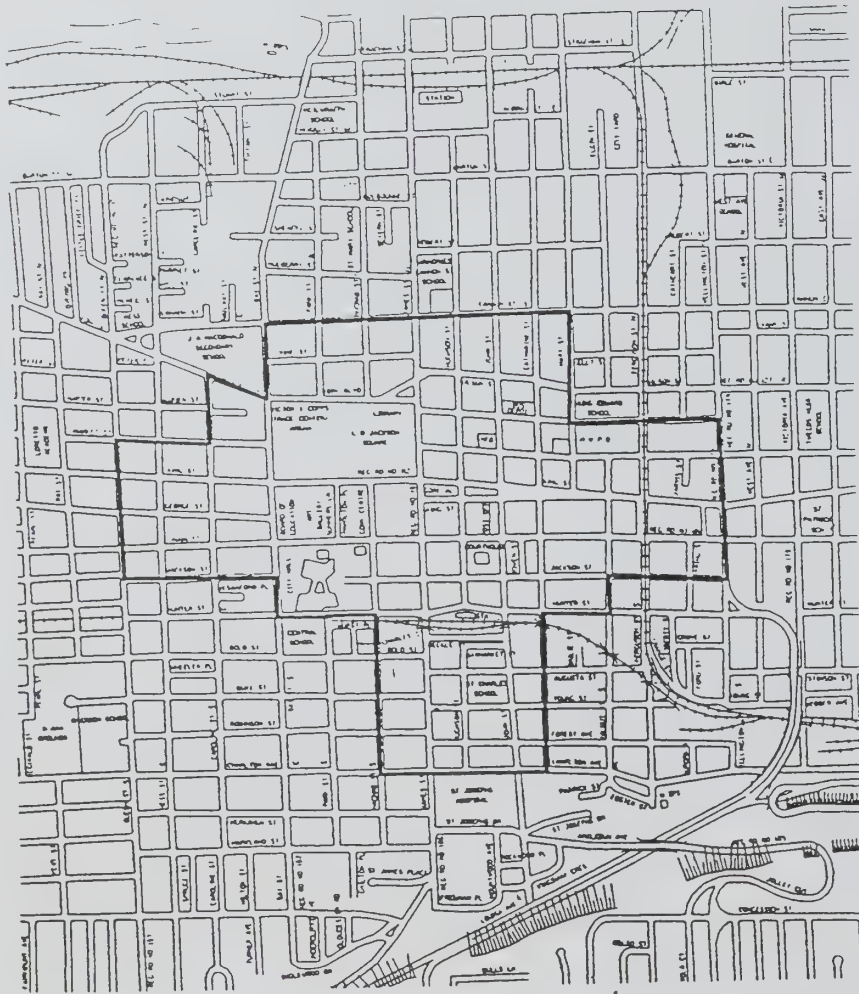
ENACTED AND PASSED this day of , 19 .

THE CORPORATION OF THE CITY OF HAMILTON

ROBERT M. MORROW, MAYOR

JOSEPH J. SCHATZ, CITY CLERK

1996 July 9



This is Schedule "A" to By-Law No. 96 -
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-.....

Planning and Development Department

Legend



Delineates Boundary of Downtown Core

North



Scale
NOT TO SCALE

Date
April 1996

Reference File No
CI-91-1

Drawn By
R.L.

Terms of Reference: PUBLIC ART, Barton General B.I.A.

1. Sponsors - The City of Hamilton and the Barton General Business Improvement Area
 - The City is represented in the redevelopment of Barton Street by the Building Department and the Public Works and Traffic Department.
 - Barton General B.I.A. consists of levied members with an elected executive committee.
 - To monitor the programme, there is a "Barton Street Revitalization Committee" consisting of representatives from the Building Department, Public Works and Traffic Department, the City's Arts Co-ordinator, Social Planning and Research Council, Barton General B.I.A., and the neighbourhood itself. The Committee meets once each month.
2. Background
 - Barton Street, between Wellington and Wentworth Streets, was targeted for revitalization through special projects in the following categories: (i) improvements to commercial properties through a grant/loan programme; (ii) street-scape improvements; (iii) public art.
 - In the first year of the public art programme (1995), three small-scale murals were completed. In an independent project (1994), murals were also installed on the exterior of the former gymnasium at West Avenue School.
 - From plans approved in 1995, the Parks Development Division of the Public Works and Traffic Dept. created a new courtyard park (1996 May) on the north side of West Avenue School, facing Barton Street. In this park are two designated locations for sculpture.
 - It has been decided to continue with public art projects in 1996.
3. Recommended Process
 - That specific artists be invited to work with the Revitalization Committee, in a team approach to the project. These artists would be asked to submit preliminary proposals based on the Revitalization Committee's site recommendations. The artists would become involved based on their abilities, experience in the field of public art, the nature of their preliminary proposals, with resulting direct commissions.

.../2

1996 July 9

- 2 -

- That two or three significant projects be undertaken: One would address the sculpture locations in the park. The others would be wall murals.
- That the artists' responses to the project requirements be received by June 30/96 in the form of a two-part proposal: (i) rendering of the artist's concept; (ii) brief written explanation of the approach/concept and an estimated budget.
- That the total commissions including materials, installations, artist fee, insurance, and any other project related expenses be as follows: Sculptures \$12,000.; Murals \$8,000.
- That the public art projects be completed by 1996 October 31.

4. General Requirements - Public Art, Barton Street 1996

- Theme: The Past Speaks to the Future
- Each work should encompass a relevance to its particular site as well as a universality which allows it to be enjoyed by anyone, regardless of the viewer's cultural background.
- Construction and installation methods, construction materials, must ensure the safety of the general public.
- Choice of materials must be based on practical considerations as well as aesthetic ones: for example, the use of durable, weather-tolerant, low-maintenance materials.
- Commission payments will be awarded in two or three segments: the initial one for start-up purposes; the final one on completion of the contract.
- Proposed designs must be approved by the Barton General B.I.A., the Barton Street Revitalization Committee and the owners of the site property (if applicable) before construction begins. For the sculptures, the committee may request maquettes. For both types of projects a materials list is to be supplied with the budget, accompanied by a maintenance schedule.

5. Artists' Contact:

Cheryl York
Arts Co-ordinator
Dept of Culture and Recreation
71 Main St W
Hamilton On L8N 3T4

(905) 546-2036

/cdy

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. (a) That the City decline to accept the Hamilton and District Labour Council's offer to resolve the City's claim for costs of site preparation, clean up and site restoration arising out of the Labour Council's use of Dundurn Park and Bayfront Park on 1996 February 23rd and 24th, for a total payment of \$3,500; and,

 (b) That the City Solicitor be directed to commence an action against the Hamilton and District Labour Council in Small Claims Court for the recovery of \$6,835.45, representing the City's claim for costs of site preparation, clean up and site restoration arising out of the Labour Council's use of Dundurn Park and Bayfront Park on 1996 February 23rd and 24th, and that the City Solicitor be directed to waive the excess over \$6,000 in order to bring the claim within the jurisdiction of the Small Claims Court.
2. (a) That the City of Hamilton agree to settle Ontario Court of Justice (General Division) Action No. 19313/90 by the payment of \$16,128.34, inclusive of damages, interest and costs, to the Plaintiff, Judy Smyth; and,

 (b) That the City of Hamilton obtain from Judy Smyth, a Release satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 19313/90 be dismissed as against the City of Hamilton without costs.
3. That approval be given to the action taken by the City Clerk in authorizing Hamilton Sesquicentennial Celebrations Inc. to fly the Town of Shawinigan flag beside the City of Hamilton flag at City Hall from 1996 June 28 to July 1 as part of the Sesquicentennial Weekend Celebrations.
4. That approval be given to the request of The John Calvin Hungarian Presbyterian Church to fly the Hungarian flag at City Hall from 1996 September 21 to 26 in commemoration of the 1100th Anniversary of the Magyar conquest of Hungary and the 40th Anniversary of the 1956 Freedom Fight.

5. (a) That the following property be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049:
 - (i) 30 Simcoe Street West; and,
- (b) That the Property Department be authorized to proceed to sell this property in accordance with the Realty Sales Procedural By-law.
6. That the following Capital Budget Accounts of the Parking Authority of the City of Hamilton be closed and the remaining funds be returned to their original source:

#909245003	Parking Deck - GO Terminus	\$50,000
#909345010	Parking Deck - GO Terminus Study	\$50,000
7. That the Parking Authority be permitted to create a Capital Account, funded from its Parking Reserve Fund in the amount of \$100,000 to be titled, "Parking Facilities/Equipment Development and Upgrades" for the purpose of:
 - (i) completing the development of the site at 290-296 Victoria Avenue; and
 - (ii) upgrading on-street meters in certain key commercial areas of the City.
8. (a) That the re-classification of the Reserve & Reserve Funds, as outlined in Appendix A, be approved; and,
- (b) That the current external debt financing, as defined in the ten year Capital Budget, be replaced with a policy of Internal Financing using the Capital Reserve Funds as the source of funding; and,
- (c) That \$8.0 million be transferred from the "Reserve for Employee Benefits-Self Insurance" to the "Reserve Fund for Workers' Compensation"; and,
- (d) That the balance of the unfunded liability (\$11.7 million) for Workers' Compensation be funded by a reallocation of \$950,000 from the Employee Benefit control account and that an actuarial valuation, to determine the unfunded Workers' Compensation Benefit liability, be done every three years; and,
- (e) That any surplus in the Employee Benefit control account be transferred annually to the Reserve for Employee Benefits - Self Insurance; and,
- (f) That the annual capital equipment replacement program be approved in the September, preceding the year of replacement, and be fully funded from the reserve; and,

- (g) That the Sick Leave annual provision of \$800,000 be reduced to \$500,000 in 1997 and the WCB annual provision be increased by \$300,000 to \$1.8 million; and,
 - (h) That an actuarial valuation (as approved in 1992) be performed on the Reserve for Employee Benefits - Self Insurance, in order to determine the appropriate level of funding, and that the costs be charged to the applicable reserve; and,
 - (i) That an insurance consultant be hired to review the City's current Risk Management Program and related insurance coverage including current deductible levels relative to the current reserve level, and that the costs be charged to the applicable reserve; and,
 - (j) That the following Trust Funds be re-classified as reserves:
 - Dundurn Castle Restoration
 - Museum Acquisition Trust - Historical Board
 - Childrens' Museum Trust
 - Furnishing Restoration - Historical Board
 - Seniors' Club Trust - Playground Equipment
 - Whitehern Rentals Trust
9. That outstanding business taxes in the amount of \$ 914,244.76 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to account CH53401 24106, Tax Write-offs.
10. That the agreement with ABS Bailiff Services for the collection of outstanding business tax arrears be extended to 1996 September 30.
11. That the City Solicitor be authorized and directed to prepare an amendment to By-Law 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between July 10, 1996 to July 11, 1997 and the building permit has been issued by August 1, 1997.
12. (a) That the "Financial Shared Services Study-Process Mapping and Opportunity Identification" Report be received; and,

1995 July 9

- (b) That the Consultant be directed to continue the analysis and complete the approved terms of reference and provide the required input for the City to prepare the Shared Services proposal; and,
- (c) That Utility Finance (Region) and Tax (City) sections be excluded from the shared services proposal.

13. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-44 A By-law to Authorize the Destruction of Records in Certain Departments
- (b) D-45 A By-law to amend By-law No. 84-252 Respecting Conveyance of Land for Park Purposes
- (c) D-46 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Stella Glover
Acting Secretary
1996 July 2**

City Of Hamilton - Reserve & Reserve Funds

Appendix - A

NAME	A/C #	Recommendations & Comments	Capital Reserves	Working Fund Reserv	Reserve Funds
RESERVES					
Acquisition of Historic Properties	CH00120	No Change	\$144,057		\$0
Alpha Enclaves	CH00116	No Change	\$222,915		\$0
Contingency	CH00115	No Change		\$1,185,365	\$0
Debt charges	CH00108	No Change	\$7,317,890		\$0
Hamilton Public Library	VARIOUS	No Change		\$1,155,736	\$0
Major Repairs & Improvements to City owned Properties	CH00109	Delete - Transfer to Capital Projects (See Note 1 below)	\$0		\$0
Major Repairs to Mobile Equipment	CH00103	Delete - Transfer to Replacement of Mobile Equipment(See note 2 below)	\$0		\$0
Property Purchases	CH00102	No Change	\$4,960,575		\$0
Replacement of Mobile Equipment	CH00101	No Change	\$21,496,509		\$0
Replacement of Office Equipment and Furniture	CH00114	Delete - Transfer to Capital Projects (See Note 3 Below)	\$0		\$0
Residential - Building Permit Revenue Stabilization		No Change		\$210,074	\$0
Services for Unsubdivided Lands		No Change	\$2,590,113		\$0
Uninsured Losses	CH00117	Delete - Transfer to new reserve for Self Insurance(See note 4 below)		\$0	\$0
Self Insurance	NEW	New - Self insurance reserve for Auto, Property & Public Liability	\$0	\$2,379,690	\$0
Workers' Compensation	CH00118	Change to Reserve Fund (See Note 5 below)			\$9,297,325
Working Funds:	CH00172		\$0		\$0
- Annualization		Delete - Transfer to Tax Stabilization (See Note 6 below)		\$0	\$0
- Deferred Income Plan for city Council Members	NEW	Change to Reserve Fund (See Note 7 below)			\$844,829
- Dundurn Castle Restoration		Delete - Transfer to Capital Projects (See Note 8 below)	\$0		\$0
- Election Expenses	NEW	No Change		\$138,673	\$0
- Employee Benefits		Delete - Transfer to reserve for Emp. Benefits Stabilization(See note 9 below)		\$0	\$0
- Employee Benefits Stabilization	NEW	New - Employee Benefit Stabilization			\$0
- Hamilton Scourge Foundation	NEW	Change to Reserve Fund (See Note 10 below)	\$0	\$3,071,498	\$0
- Historic Fire Engine		Delete - Transfer to Contingency (see Note 11 below)			\$16,120
- Hosting Conferences	NEW	No Change			\$0
- Hosting of Special dignitaries	NEW	No change		\$90,809	\$0
- Project Management		Delete - Transfer to Work-in-progress(See Note 12 below)		\$34,555	\$0
- Reality Taxes - Beach Strip Properties		Delete - No Funds remaining Contingency can be used in the future		\$146,135	\$0
- Sick Leave	NEW	Change to Reserve Fund (See Note 13 below)		\$0	\$0
- Snow Control/Storm Damage		Delete - Transfer to Tax Stabilization (See Note 14 below)			\$5,168,516
- Special Events Subsidy		No Change		\$0	\$0
- Systems Improvements	NEW	No Change		\$2,726	\$0
- Tax and Assessment Appeals		Delete - Transfer to new Tax w/o ass.app & reserve for contaminated Properties (See Note 15 below)		\$267,196	\$0
- Tax Stabilization	NEW	No Change		\$0	\$0
- Working Funds - Unspecified		Delete - Allocate to new Working Funds Current & Capital(See Note 16 below)		\$10,662,379	\$0
- Working Funds - Current Operations	NEW	New - Working Funds for Current Operations	\$0	\$8,000,000	\$0
- Working Funds - Capital Operations	NEW	New - Provides financing for internal financing	\$4,210,319		\$0
- Tax Write-offs Assessment Appeals& Contaminated Property	NEW	New - Replaces year-end statement entry for prov for doubtful a/c's	\$0	\$3,847,071	\$0

Appendix "A" referred to in Section 8 (a) of the THIRTEENTH Report of the Finance and Administration Committee for 1996

RESERVE FUNDS						
Acquisition of Properties under the Planning Act	CH00201	No Change				\$0
Capital Projects - General	CH00203	Reclassification from reserve fund to reserve		\$8,275,983	\$1,632,587	\$0
Cemetery Building Fund - Niches		No Change			\$10,089	\$0
City Vehicle Insurance	CH00290	Delete - Transfer to New Self Insurance Reserve (See Note 17 below)			\$0	\$0
Development Charges	CH00212	No Change			\$0	\$4,932,015
Hamilton Commercial Facade Program		No Change			\$0	\$1,483,926
Hamilton Community Heritage Fund		No Change			\$0	\$821,915
Hamilton Entertainment & Convention Facilities Inc.		Delete - Transfer to new HECFI Capital & Current (See note 18 below)			\$0	\$0
HECFI - Capital	NEW	New - HECFI Capital Reserve		\$1,601,839	\$0	\$0
HECFI - Current	NEW	New - HECFI Current Reserve		\$0	\$250,000	\$0
Hamilton Public Library - Capital Projects	CH00204	Delete Transfer to Capital Projects (see note 19 below)			\$0	\$0
Hamilton Rehabilitation Loan Program		No Change			\$0	\$797,683
Off Street Parking		No Change			\$68,494	\$0
PARCIL Project		Delete - Transfer to Capital Projects (See note 20 below)			\$0	\$0
Park Improvements at Ivor Wynne Stadium		Delete - Transfer to Capital Projects (See Note 21 below)			\$0	\$0
S.P.C.A. Capital Projects		Delete - Transfer to Capital Projects (See Note 22 below)			\$0	\$0
Grand Total				\$50,820,200	\$33,153,077	\$23,362,329

Specific Recommendations:

- Note 1. Housekeeping - Consolidation into one reserve.
- Note 2. Housekeeping - Consolidation with Equipment reserve.
- Note 3. Housekeeping - Consolidation into one reserve for Capital Program
- Note 4. Housekeeping - Consolidation of two reserves into one.
- Note 5. Housekeeping - Reclassification of reserve to reserve fund
- Note 6. Housekeeping - Consolidation into one reserve.
- Note 7. Reclassification from reserve to reserve fund, Funds are specific to elected officials retirement plan.
- Note 8. Housekeeping - Consolidation into one reserve.
- Note 9. Housekeeping - Consolidation into one reserve.
- Note 10. Housekeeping - Reclassification from reserve to reserve fund.
- Note 11. Housekeeping - Reserve no longer required
- Note 12. Housekeeping - Funds are for capital project and should be in Capital.
- Note 13. Housekeeping - No funds remaining. Currently funded from current budget.
- Note 14. Reclassification of reserve to reserve fund.
- Note 15. Housekeeping - Consolidation into one reserve.
- Note 16. Housekeeping - reallocation of unspecified working funds to current and capital working funds.
- Note 17. Reclassification of reserve fund to reserve for self insurance.
- Note 18. Housekeeping - reclassification from reserve fund to working funds capital & current for HECFI
- Note 19. Housekeeping - Reclassification from reserve fund to reserve and consolidation into one reserve for Capital projects.
- Note 20. Housekeeping - Reclassification from reserve fund to reserve and consolidation into one reserve.
- Note 21. Housekeeping - Reclassification from reserve fund to reserve and consolidation into one reserve.
- Note 22. Housekeeping - Reclassification from reserve fund to reserve and consolidation into one reserve.

1996 July 9

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 JULY 9
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Templemead	Northbound and Southbound	Innswood."
-------------	---------------------------	------------

2. **Schedule 35 (Wheel Chair Loading Zones)** of said By-law is hereby amended by adding thereto the following items, namely:-

"West 2nd	East	23 feet	141 feet south of	
			South Bend	Anytime

Parkview West 19 feet 59 feet north of Franklin Anytime."

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Streets By-laws No. 86-77

Respecting:

TEMPORARY HIGHWAY CLOSURES FOR EVENTS

WHEREAS the Council of The Corporation of the City of Hamilton has enacted "The Streets By-law" No. 86-77, on the 25th day of February 1986;

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44) states as follows:

"207. By-laws may be passed by the councils of all municipalities:

44. **Temporary closing of highway.** -- For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

- (b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a Permit issued under the by-law upon such terms and conditions, including such fee for the Permit, as may be set out in the by-law."

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44)(a) provides that clauses (a) and (b) below, with necessary modifications, apply where closures of highways on a temporary basis to vehicular traffic are authorized pursuant to section 207 (44) of the Municipal Act:

- (a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.
- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

(3) **Committee.** A special committee of Council is hereby established to be known as the Highway Temporary Closures Committee. The Secretary of the Committee shall be the City Clerk or the Clerk's designate. This Committee shall be comprised of the following elected officials and decisions may be made by any three members of the Committee:

- (a) the Mayor, (or Acting Mayor);
- (b) the Chairman of the Transport and Environment Committee, (or Vice Chairman); and
- (c) the Aldermen of the Ward within which a highway is intended to be temporarily closed to vehicular traffic.

(4) (a) Applications to close a highway in whole or in part on a temporary basis to vehicular traffic for the social, recreational, community, athletic or cinematographic purposes listed below shall be under the jurisdiction of the Transport and Environment Committee for recommendation to Council:

- (i) events involving the sale and/or consumption of alcohol;
- (ii) events involving gambling;
- (iii) motor vehicle and motorcycle races;
- (iv) events with aircraft, including passenger balloons and parachutes;
- (v) events within the downtown area bounded by Bay, York, Wilson, Wellington and Main Streets;
- (vi) events taking place in more than one ward;

(b) **Delegation of Authority.** Subject to subsection (a) above, the power of Council to authorize the closing of highways in whole or in part on a temporary basis to vehicular traffic for social, recreational, community, athletic or cinematographic purposes is hereby delegated to the said Highway Temporary Closures Committee, pursuant to the Municipal Act, [R.S.O. 1990, c. M.45, s. 207(44)];

(c) Applications for closure of a highway to vehicular traffic shall not be approved pursuant to this by-law where the closure is for a period longer than "on a temporary basis" or the closure is for other than social, recreational, community, athletic or cinematographic purpose, or combination of such purposes.

(5) (a) An application for closing a highway in whole or in part on a temporary basis to vehicular traffic for an event may be,

- (i) approved, subject to the conditions herein together with such other conditions of approval which may reasonably be required as a condition of approval; or
- (ii) denied, or
- (iii) where an application is under the jurisdiction of the Highway Temporary Closures Committee, as an alternative to (i) or (ii) above, the special Committee may refer the application to the Transport and Environment Committee for consideration and recommendation to Council;

(b) No decision shall be made by the Highway Temporary Closures Committee until,

- (i) the applicant has submitted an application to the City;

- (ii) applications by a charitable organization registered as a charity with Revenue Canada, or by a board or commission as defined in the Municipal Affairs Act;
- (iii) applications by a person not within either of the above two groups.

(10) **Agreement to cover costs and indemnify City.**

(a) Every applicant shall, prior to the issuance of a Permit, enter into a Licence Agreement with and satisfactory to the City in accordance with the conditions of approval, in respect of the temporary closing and the proposed event, regarding the standard and additional specified conditions, (if any), of approval, including, the following minimum conditions:

- (i) the area of the highway to be closed on a temporary basis, the hours and date of such closure, the purpose of the closing, ie social, recreational, community, athletic or cinematographic purpose, and the nature of the proposed event;
- (ii) payment of application fee for this privilege at such rate as may be fixed by Council from time to time;
- (iii) set up, maintenance, dismantling and clean up of applicant's equipment, including clean up of the highway;
- (iv) reimbursement of the City for any costs incurred or to be incurred by the City as a result of such occupation and the deposit with the City the estimated amount of such costs prior to issuance of the Permit;
- (v) indemnification of the City, Regional Police, The Regional Municipality of Hamilton-Wentworth, and any board, commission or utility from any action, claim, damage, or loss whatsoever which may be sustained as a result of the applicant's event, arise from closing of the highway to traffic, issuance of the Permit or from the occupation of the highway thereunder;
- (vi) where the applicant is not incorporated, the licence agreement shall be signed by not less than two persons who shall assume the obligations in the licence agreement in favour of the City.

(b) In addition, as a condition of approval, an applicant may be required to provide the following, (details of which shall be included in the said Licence Agreement):

- (i) payment of cash or letter of credit satisfactory to City, as security that conditions of approval will be fulfilled, including clean up of highway and that expenses incurred by the City shall be paid;
- (ii) agreement of a bonding company acceptable to the City and licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway;

- (c) **Cancellation of Permit.** In case of emergency or where it is believed that the applicant is or will be in breach of any condition of the Permit or that an unsafe or hazardous condition has or is about to arise, the Highway Temporary Closures Committee, staff, or any police officer, may, at any time, require an applicant to cease activities covered by the Permit in whole or in part for such period(s) as may be directed.

(14) **Closure of highway to vehicular traffic on temporary basis.**

After a Permit is issued hereunder, staff,

- (a) is authorized to and shall take steps necessary to prohibit vehicular traffic in order that the said highway or that portion of it being so closed, shall be temporarily closed and, for that purpose to cover such traffic signs and parking meters as may be necessary to give effect to the approved closure of the highway to vehicular traffic;
- (b) shall immediately forward a copy of the approved decision, the additional specified conditions of approval if any, and the Permit, to the appropriate departments and agencies, including, the Ward Aldermen;

(15) **Standard Conditions of Approval.** All closures of highways to vehicular traffic on a temporary basis for an event are subject to the applicant fulfilling each of the following standard conditions of approval:

- (a) **Notice.**
 - (i) Prior to the issuance of the Permit, that all property owners and tenants adjacent to the highway intended to be closed on a temporary basis be notified by the applicant of the temporary highway closing and the proposed event, in a form and at date(s) satisfactory to the City. Such notification shall not be less than a full fourteen day's notice prior to the event;
 - (ii) such other Notice to the public on such dates, in such form and in such media as may reasonably be required in the opinion of the City;
 - (iii) wherever an applicant recognizes or credits in any form of media, contributors whose assistance made the event possible, the applicant shall include the City among those credits.
- (b) **Admission Charges.** That the applicant shall not collect any admission charges except when expressly permitted in the City's decision;
- (c) **Consent of Participant.** That prior to the event, where the event is a race or other competitive athletic event or sport, the applicant shall obtain from each participant a Release, Waiver and Indemnity of the City from any and all claims resulting from the event, satisfactory to the City and file such Releases with the City;

- (iv) That the applicant not allow any portion of the event, including spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the event, to block any fire hydrants, access/egress ramps, snow and garbage removal, or interfere with the installation, maintenance, or repair to any plant or equipment of the City, The Regional Municipality of Hamilton-Wentworth or any other utility in the City highway .
- (v) That the applicant not allow any of the applicant's event, its participants, spectators or equipment, to impede emergency vehicles;
- (vi) **Barricades and Detour Signs.** That prior to and during the closure of the highway to vehicular traffic, the City shall erect and maintain sufficient warning signs and devices to adequately warn the public of the occupation and obstruction of the highway, at each end of the highway or portion thereof so closed to traffic, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously (except during full daylight), and at such points shall be erected detour signs indicating the alternative route and containing a notice that the highway is closed to traffic.

All barricading, temporary highway closure signs, detour signs warning signs and devices, including labour and materials for their construction, erection, maintenance and removal, shall provided by and at the expense of the applicant and the applicant shall pay the City those costs.
- (vii) That all barricading, detour signing equipment and other property of the applicant and traffic control be subject to the direction of the Chief of Police or his/her designate;
- (ix) That if it is necessary for the City to relocate, remove or alter the signs, barricades or other equipment or property of the applicant for any reason whatsoever, either before, during or after the event, the applicant shall re-imburse the City against such costs and against any loss, cost or damage arising from such work;
- (x) That the applicant comply with all other provisions of the Streets By-law and obtain all other applicable approvals to the temporary closing and the event;
- (h) **After event.** That the applicant, at its expense, carry out clean up operations immediately after the event to restore the highway to as good condition as before as expeditiously as possible and before re-opening of the highway(s) to vehicular traffic.

The applicant, upon demand, after the event, pay to the City all costs incurred by the City pursuant to this by-law in excess of the cost pre-estimate monies or security already received by the City, (if any).

Amendment No. 133

to the

City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 133.

Purpose:

The purpose of this Amendment is to redesignate the subject lands from "Major Institutional" to "Commercial", to permit limited commercial uses within the existing building.

Location:

The lands affected by this Amendment are known municipally as 775 and 779 Upper Wentworth Street, and are located at the north-east corner of Upper Wentworth Street and Mohawk Road East, within the Burkholme Neighbourhood.

Basis:

The basis for permitting the proposal, to permit limited commercial uses within the existing building, is as follows:

- 1) The subject lands are located at the intersection of two major arterial roads; and,
- 2) The proposed commercial uses will permit adaptive reuse of the existing building, which is a former fire hall and municipal office.

Actual Change:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Major Institutional" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 96- , passed on the 9th day of July, 1996.

The Corporation of the City of Hamilton

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS.
775 and 779 UPPER WENTWORTH STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 133, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A.(1) of Zoning By-law No. 6593, only the following uses shall be permitted and only within the existing building:
 - (i) a bank or financial institution; and,
 - (ii) a day nursery; and,
 - (iii) a business or professional person's office, excluding medical and dental; and,
 - (iv) a photographer's or artist's studio; and,

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 3, October 10
(1996) 5 R.P.D.C. 5, March 26
Elite Realty Corporation, Prospective Owner
ZAC-95-18

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

WESTDALE NORTH NEIGHBOURHOOD

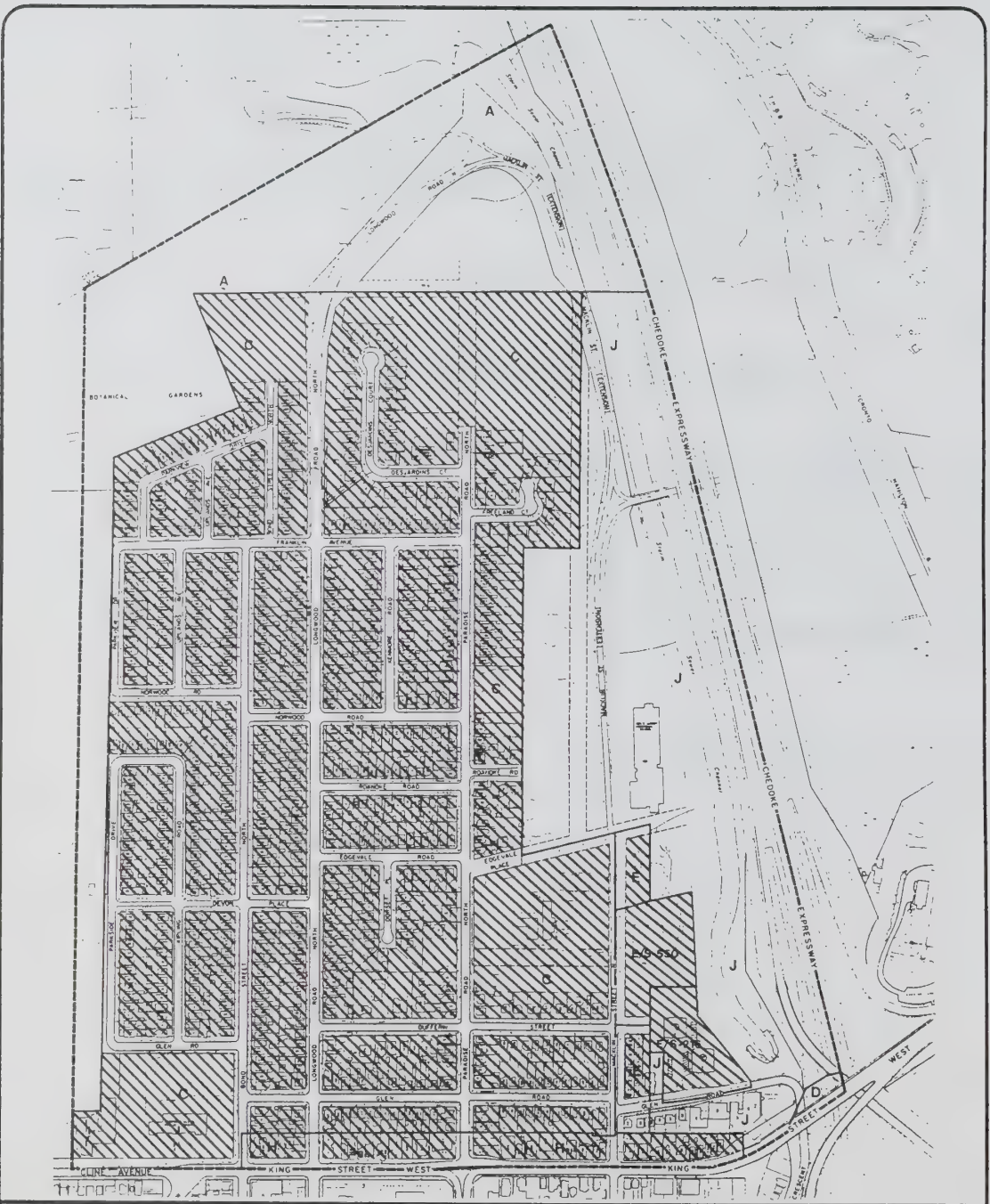
WHEREAS it is intended to establish special requirements under Section 19B of By-law No. 6593 passed on the 25th day of July 1950, and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The District provisions as contained in Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) (i) no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45;
- (ii) notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
 - a) an attached garage;
 - b) a detached garage; and,
 - c) the floor occupied by heating, air conditioning and laundry equipment;
- (iii) for the purpose of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;
- (iv) in addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;
- (v) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,
- (vi) Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale North Neighbourhood;
- (b) in addition to the requirements of Section 11 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;



This is Schedule "A" to By-Law No. 96-.....
 Passed the day of, 1996.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 96-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands to be regulated by
 By-Law No. 96-.....

North



Scale
 Not to Scale

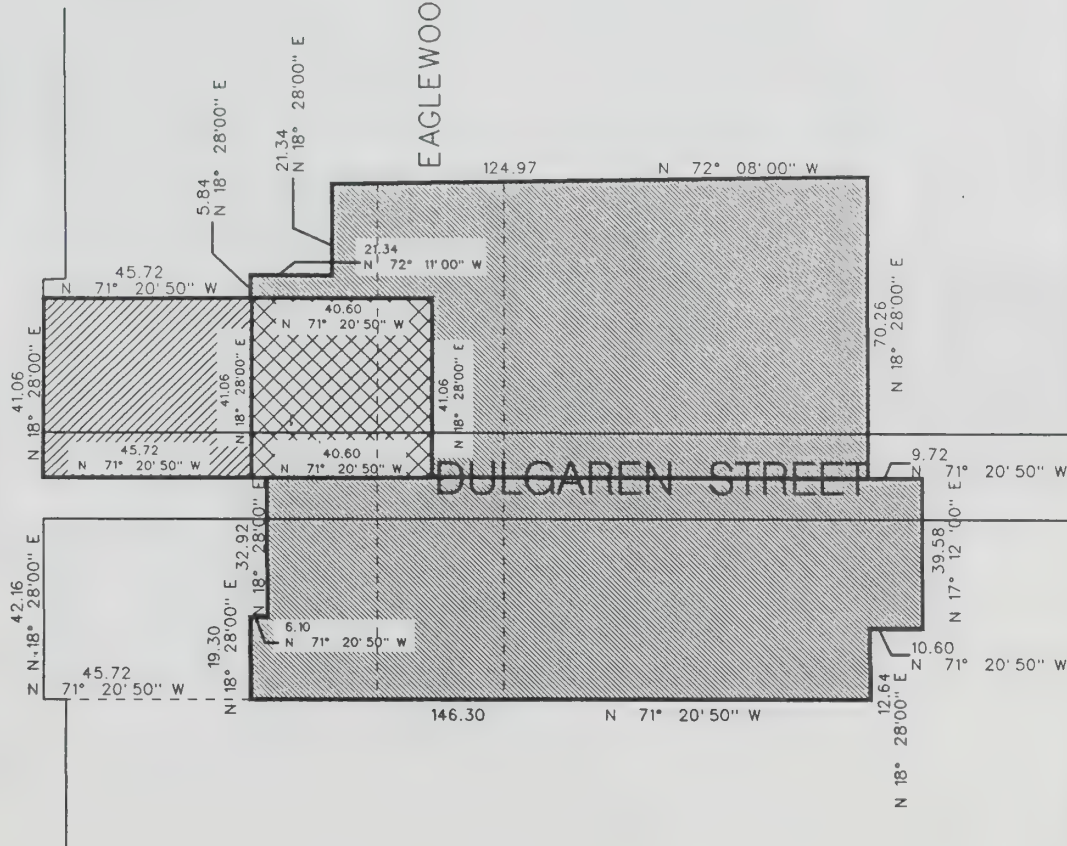
Date
 June 1996

Reference File No.
 CI-96-E

Drawn By
 R.L.

UPPER SHERMAN AVENUE

EAGLEWOOD DRIVE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 96-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



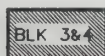
BLK 1

"C" (Urban Protected Residential, etc.) District,
Modified, to "R-4" (Small Lot Single - Family
Dwellings) District.



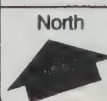
BLK 2

"AA" (Agricultural) District, to "R-4"
(Small Lot Single - Family Dwellings) District.



BLK 3&4

"AA" (Agricultural) District, to
"C" (Urban Protected Residential, etc.) District.



North

Scale
NOT TO SCALE

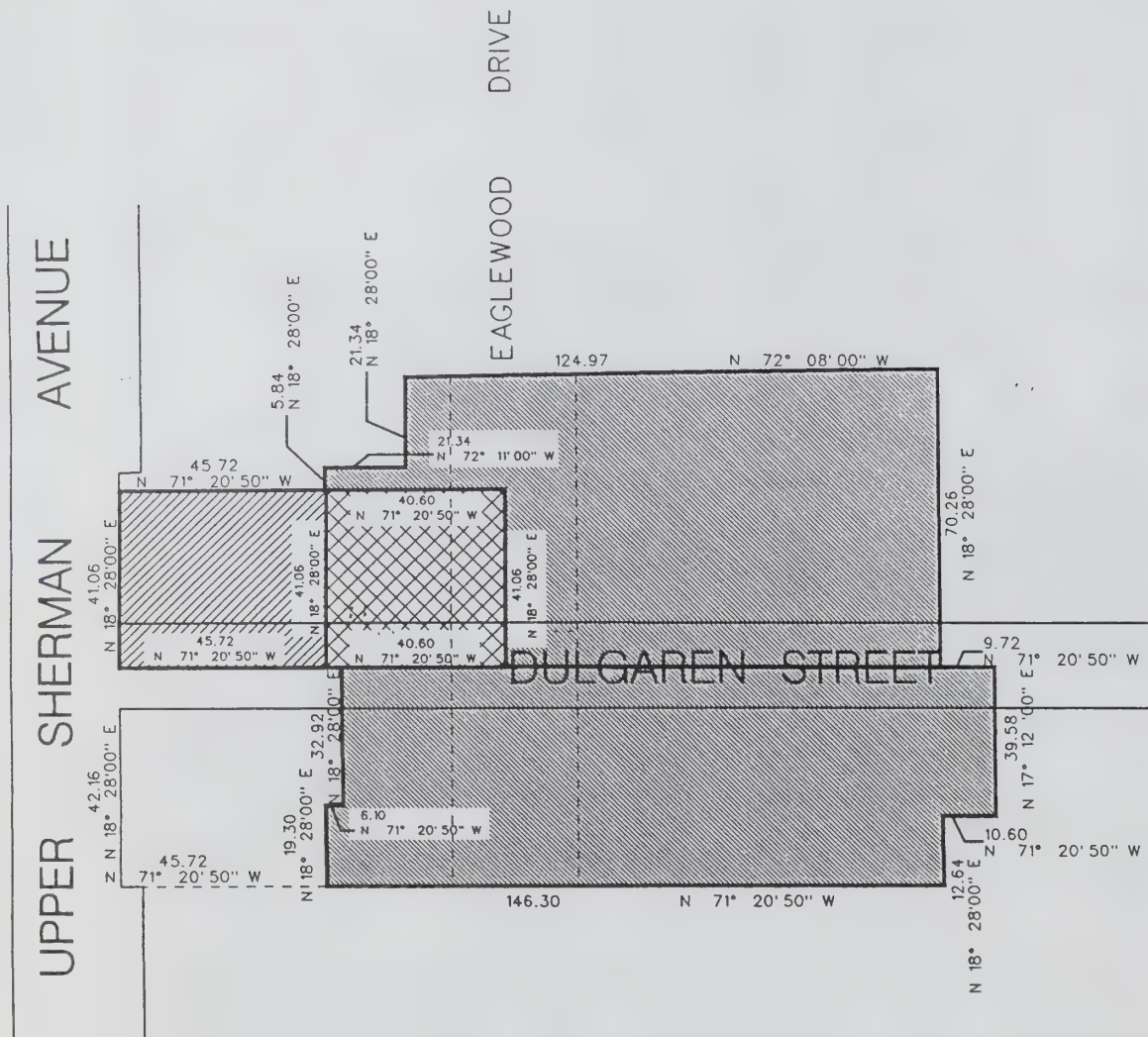
Date
JULY 1996

Reference File No.

ZAC-95-13

Drawn By

W. B.



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 96-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



BLK 1

"C" (Urban Protected Residential, etc.) District,
Modified, to "R-4" (Small Lot Single - Family
Dwellings) District.



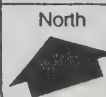
BLK 2

"AA" (Agricultural) District, to "R-4"
(Small Lot Single - Family Dwellings) District.



BLK 3&4

"AA" (Agricultural) District, to
"C" (Urban Protected Residential, etc.) District.



North

Scale
NOT TO SCALE

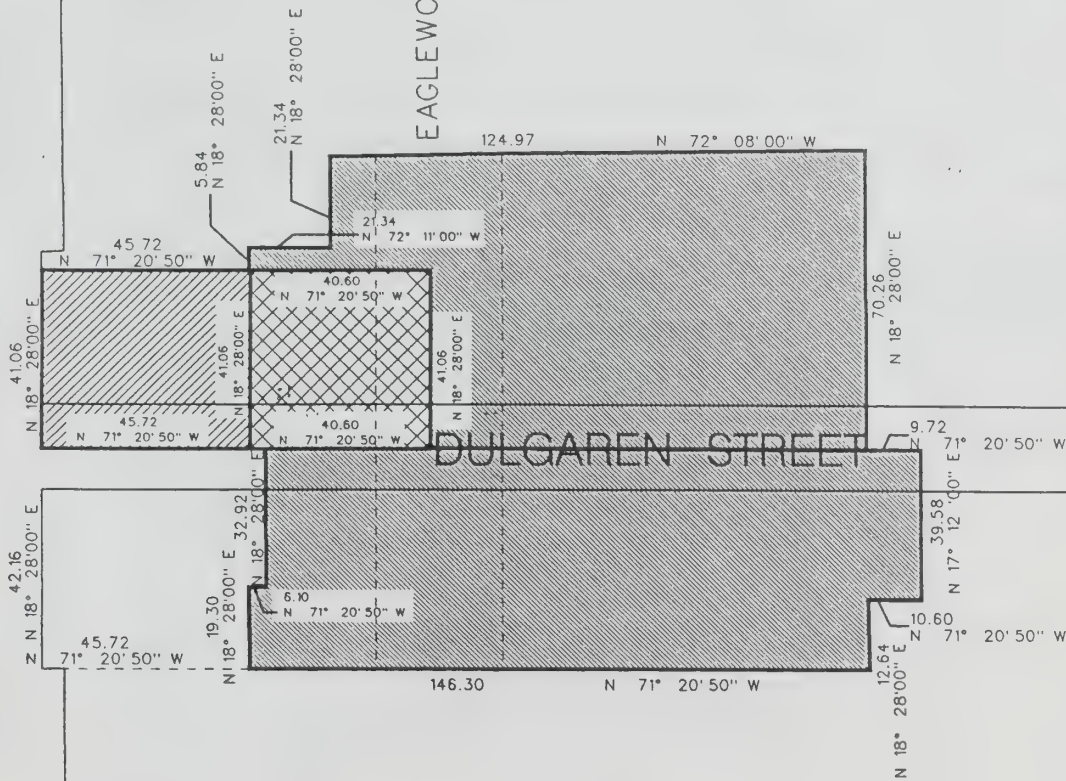
Date
JULY 1996

Reference File No.
ZAC-95-13

Drawn By
W. B.

UPPER SHERMAN AVENUE

EAGLEWOOD DRIVE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 96-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



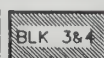
BLK 1

"C" (Urban Protected Residential, etc.) District,
Modified, to "R-4" (Small Lot Single - Family
Dwellings) District.



BLK 2

"AA" (Agricultural) District, to "R-4"
(Small Lot Single - Family Dwellings) District.



BLK 3&4

"AA" (Agricultural) District, to
"C" (Urban Protected Residential, etc.) District.

North



Scale
NOT TO SCALE

Date
JULY 1996

Reference File No.
ZAC-95-13

Drawn By
W. B.

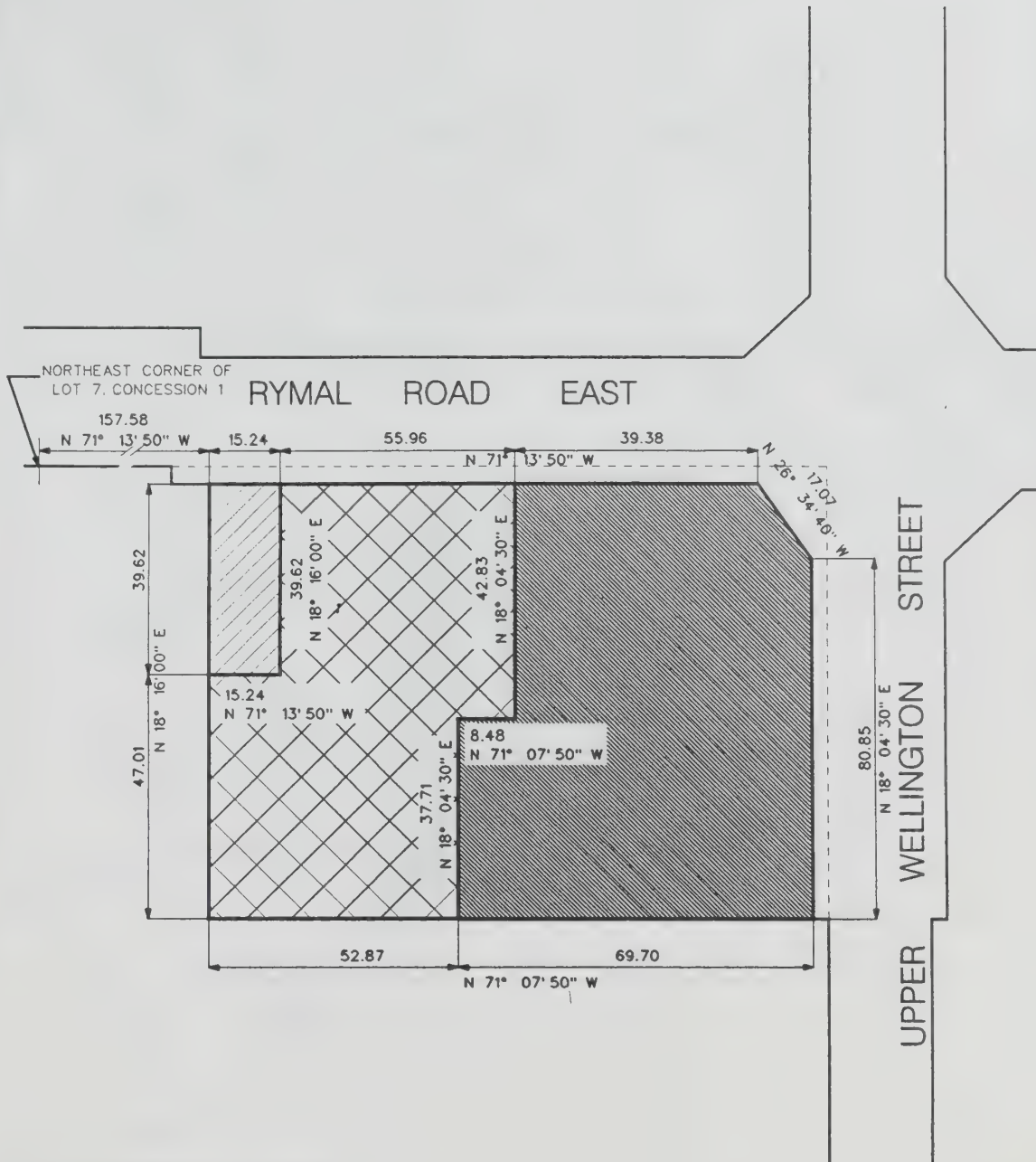
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

(1996) 8 R.P.D.C. 2B(a), May 14
200 Rymal Road Inc.(A. Di Silvestro), Owner
ZAC-96-01



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 96-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



BLK 1

"DE-3" (Multiple Dwellings) District, Modified, to
"R-4" (Small Lot Single - Family Dwellings)
District, Modified.



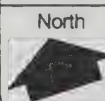
BLK 2

"DE-3" (Multiple Dwellings) District, Modified, to
"R-4" (Small Lot Single - Family Dwellings)
District.



BLK 3

"C" (Urban Protected Residential, etc.) District, to
"R-4" (Small Lot Single - Family Dwellings)
District.



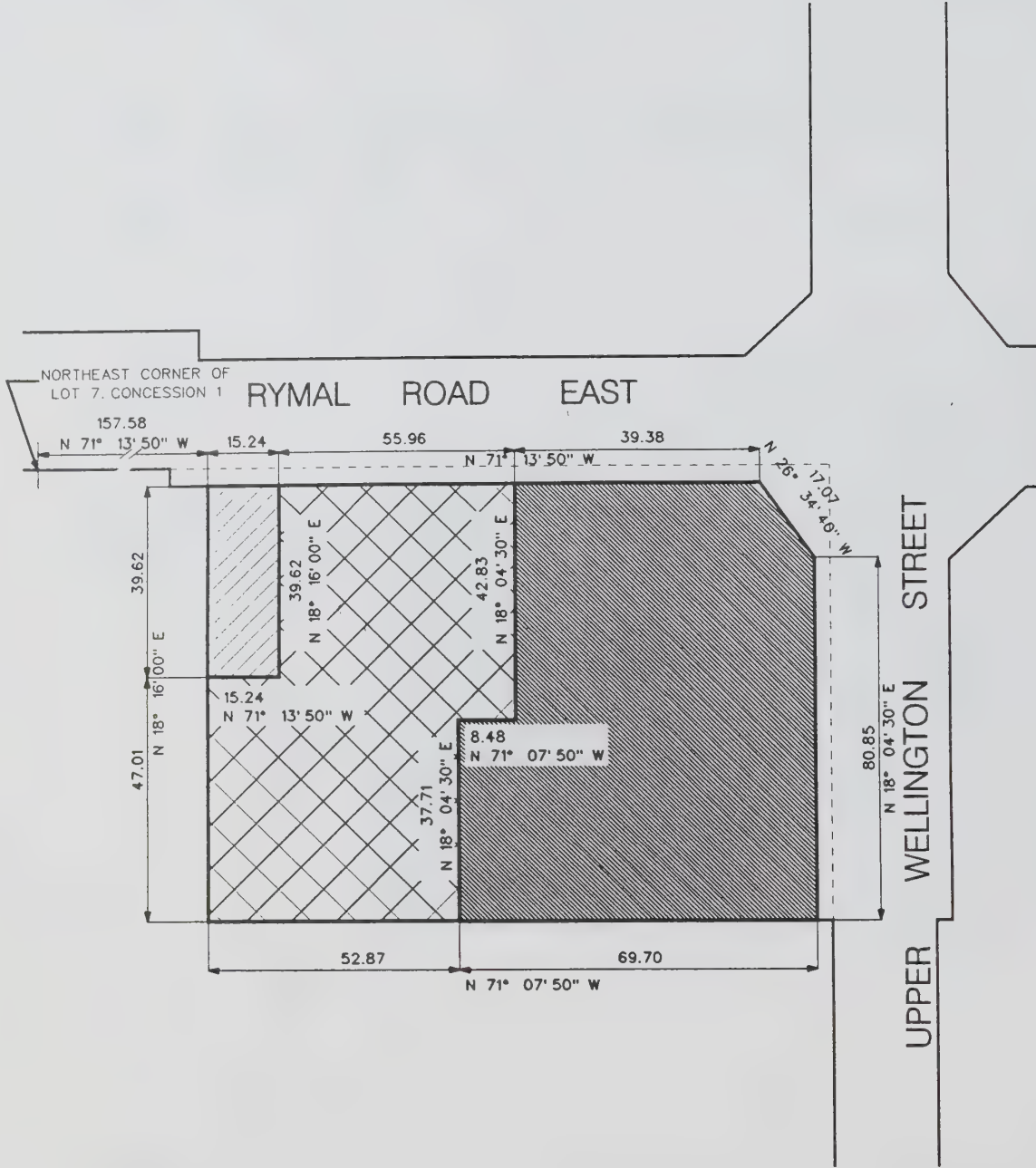
North

Scale
NOT TO SCALE

Date
JULY 1996

Reference File No.
ZAC-96-01

Drawn By
W. B.



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
 Passed the day of , 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 96-.....

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



BLK 1

"DE-3" (Multiple Dwellings) District, Modified, to
 "R-4" (Small Lot Single - Family Dwellings)
 District, Modified.



BLK 2

"DE-3" (Multiple Dwellings) District, Modified, to
 "R-4" (Small Lot Single - Family Dwellings)
 District.



BLK 3

"C" (Urban Protected Residential, etc.) District, to
 "R-4" (Small Lot Single - Family Dwellings)
 District.



North

Scale
 NOT TO SCALE

Date
 JULY 1996

Reference File No.
 ZAC-96-01

Drawn By
 W. B.

SCHEDULE "I"

EXPLANATORY CODES

A	Archival Selection	T	Terminated/Closure
P	Permanent	US	Until Superseded
PI	Personal Information	MO	Microfilm Only
AF	Some Records Transferred to Archival Facility	D	Demolition of Disposal
SR	Selective Retention		

SCHEDULE "5"
TRAFFIC DIVISION - RECORDS RETENTION

Series No.	RECORD SERIES	Active Retention	Inactive	Total	Applicable Legislation	Remarks
D1	Administration					
D1.1	General Records	1	3	4		
D1.2	Departmental Employee Files	T	T + 2	T + 2		T = Employee Termination
D1.3	Policies and Procedures	US	-	US		
D1.4	Maintenance Management System Records	3	3	6		
D1.5	Accounting and Budget Records	1	2	3		
D2	Parking Control and Prosecution					
D2.1	Ticket Investigations	1	2	3		
D2.2	Court Dockets	1	-	1		
D2.3	Private Property Files (signings)	1	4	5		
D2.4	Vehicle Records	1	4	5		
D2.5	Parking Infraction Notices	1	1	2		
D2.6	Notices of Impending Conviction	1	1	2		
D3	Legislation					
D3.1	Driveway Approach Approvals	T	T + 5	T + 5		T = Permit Expiration
D3.2	Time Limit/Reserve Parking	T	T + 5	T + 5		T = Permit Expiration
D4	Operations and Engineering					
D4.1	Barricade Permits	T	T + 5	T + 5		T = Permit Expiration
D4.2	Drawings	US	-	US		
D4.3	Collision Analysis	2	8	10		
D4.4	Traffic Counts	2	8	10		
D5	Special Projects/Events					
D5.1	Special Events	T	T + 2	T + 2		T = Project Completion
D5.2	Special Projects/Studies	T	T + 5	T + 5		T = Project Completion
D6	Intersection & Non-Intersection Location Records	7	23	30		

SCHEDULE "15"
PROPERTY DEPARTMENT - RECORDS RETENTION

Series No.	Record Series	Active Retention	Inactive	Total	Applicable Legislation	Remarks
C1	Accounting & Budget Records	2	0	2		
C2	Administrative					
C2.1	General Records	1	3	4		
C2.2	Departmental Employee Files	T	T+2	T+2		T = Employee Terminations
C2.3	W.H.M.I.S. Safety Data Sheets	D	D + 1	D + 1		D = Discontinuance of Product Use
C3	Demolition Contracts/Tenders	T	T + 10	T + 10		T = Demolition
C4	Property Files					
C4.1	Acquisition and Disposal	T	T + 5	T + 5		T=Property Disposition
C4.2	Indust. Land Sale Files	T	T + 5	T + 5		
C4.3	Expropriation	T	T+5	T+5		T=Settlement of last claim
C4.4	Land Division Committee Records	3	2	5		
C4.5	Leases of City Properties (to others)	D	D + 5	D + 5		D = Property Disposal
C4.6	Architectural Plans and Specifications	D	D + 5	D + 5		D = Property Disposition
C4.7	Plans of Subdivisions	3	2	5		
C4.8	City Tenancy Leases (from others)	T	T + 5	T + 5		T = Lease Expiry
C5	Project and Renovation Files	D	D + 5	D + 5		D = Building Disposal
C6	Utilities Records (invoices etc.)	2	0	2		

fully detached Class "A" dwelling unit as defined
by the City of Hamilton Zoning By-law No. 6593.

- (3) This By-law shall expire on August 2, 1997.

PASSED this

day of

1996.

CITY CLERK

MAYOR

(1996) 12 R.F.A.C. 11, July 9

URBAN MUNICIPAL
CAY ON HBL AOS
A31
1996

1996 August 22



URBAN MUNICIPAL

AUG 26 1996

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

GOVERNMENT DOCUMENTS

Tuesday, 1996 August 27
7:30 o'clock p.m.
Council Chambers, City Hall

S. G. Hollowell,
Acting City Clerk

AGENDA

1. National Anthem.
2. Opening Prayer: Major Garnett Cassell
Salvation Army Family Services
3. Presentations:
 - a) Valerie Cranmer, President of the Ontario Professional Planners Institute, will present the Communication Award for "City View...Hamilton's Plan for Tomorrow" to Acting Mayor Henry Merling.
 - b) SACKVILLE COMMUNITY CENTRE Elsie Burns
Senior of the year
 - c) 1996 INTERNATIONAL CHILDREN'S GAMES IN SOPRON, HUNGARY

TRACK & FIELD EVENTS

Coach - Peter Self

Louise Gallant (Personal Best)
Girls 800 M Silver Medal

Eric Morrison (Personal Best)
Boys 1500 M Silver Medal

Adam Chambers, Boys 1500 M

Alex Dobranowski (Youngest Competitor)
Boys High Jump
Alex Dobranowski (Personal Best)
Boys 100 M

Tiffany Cowling (Personal Best)
Girls 800 M

Tom Bereza - Boys Long Jump

SWIMMING EVENTS

Coach - Dawn Bond

Lukas Nantais (Personal Best)
Boys 100 Free Style BRONZE MEDAL
Lukas Nantais
Boys 100 Back GOLD MEDAL

Erin Dermody
Girls 100 Back SILVER MEDAL
Erin Dermody
Girls 100 Free Style SILVER MEDAL

Julia Berglund (Personal Best)
Girls 100 Free Style BRONZE MEDAL
Julia Berglund (Personal Best)
Girls 100 Breast GOLD MEDAL

Darryl Chandler
Boys 100 Free style
Darryl Chandler (Personal Best)
Boys 100 Fly

4. **Adoption of the minutes of the meeting held 1996 July 9**
5. **Correspondence**
6. **Reports of the Standing Committees:**
 - (a) *Transport and Environment Committee*
 - (b) *Parks and Recreation Committee*
 - (c) *Planning and Development Committee*
 - (d) *Finance and Administration Committee*
 - (e) *City of Hamilton Licensing Committee*
 - (f) *Nominating Committee (To appoint a Chairman of the Committee of the Whole)*
 - (g) *Committee of the Whole (Report to follow)*

7. *Notice of Motion for next meeting.*
8. *Question Period.*
9. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
Tuesday, 1996 July 9
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Charters.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Mayor R. M. Morrow - vacation

Acting Mayor Charters called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Acting Mayor Charters led Council in Prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 June 25 were adopted as circulated.

PRESENTATIONS

Acting Mayor Charters presented Sesqui-Sport Provincial Awards (Silver Medal) to the Hamilton Blind Bowlers - 5 Pin.

Acting Mayor Charters presented to Ryan Dickinson a Gold Medal for his participation in the Canadian 10 Pin Federation Youth National Championships.

PETITION\CORRESPONDENCE

1. Petition dated 1996 June 26 from residents of the Gage Park area opposing the sale of beer in the Park at family events.

Referred to the Parks and Recreation Committee.

2. Application dated 1996 June 20 from Hamilton Habitat for Humanity, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for 607 Queen Victoria Drive, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT

Section 20 Re: City taking on responsibility of work from the City Engineer

It was moved by Alderman Caplan and seconded by Alderman Wilson that Section 20 of the Tenth Report for 1996 of the Transport and Environment Committee be referred back.

Recorded vote.

YEAS: Aldermen Caplan, Drury, Wilson, Eisenberger, Collins, Anderson, Ross. -7

NAYS: Acting Mayor Charters, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Jackson, Merling, D'Amico. -9. **LOST.**

* * * * *

Section 20 Re: City taking on responsibility of work from the City Engineer.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -15

NAYS: Alderman Anderson. -1. **CARRIED.**

PARKS AND RECREATION COMMITTEE - TENTH REPORT

Section 1 Re: Alcohol in Parks

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

Section 2 Re: Alcohol in Parks

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 3 Re: Alcohol in Parks

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 8 Re: Capital Project Accounts

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Eisenberger, Collins. -2.

CARRIED.

* * * * *

Section 16 Re: Rule No. 9 - Bassai Limited of Burlington - Chedoke Twin Pad Arena

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 9 of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Appointment of a New Interim Operator at the Chedoke Twin Pad Arena. **CARRIED.**

* * * * *

Section 16 Re: Bassai Limited of Burlington - Chedoke Twin Pad Arena

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the Tenth Report of the Parks and Recreation Committee for 1996 be amended by adding Section 16 as follows:

16. That authority be given to retain Bassai Limited of Burlington, Ontario in a form satisfactory to the City Solicitor, to provide ice maintenance, cleaning, and administration of the Chedoke Twin Pad Arena at a cost of \$128,000 inclusive of G.S.T., under the same terms and conditions of the previously approved Purchase Order previously granted to Iceco Arena Services and Equipment Inc. for a period commencing 1996 July 13 and scheduled to expire 1996 September 15. **CARRIED.**

<p>PLANNING & DEVELOPMENT COMMITTEE -TWELFTH REPORT</p>
--

Section 3 Re: Land Drainage By-law No. 80-245

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - THIRTEENTH REPORT

Section 1 Re: Days of Protest - Recovery of monies

It was moved by Alderman Drury and seconded by Alderman Morelli that Section 1 of the Thirteenth Report of the Finance and Administration Committee be referred back and that the Hamilton and District Labour Council be invited to attend the committee meeting.

CARRIED.

* * * * *

Section 11 Re: 5% Land Dedication

It was moved by Alderman Charters and seconded by Alderman Merling that Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee be deleted and replaced with the following:

11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,
- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
 - (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning By-law No. 6593.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -14

NAYS: Aldermen Copps, Eisenberger. -2.

CARRIED.

ACTING MAYOR FOR THE MONTH OF AUGUST, 1996.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman H. Merling be appointed Acting Mayor for the month of August, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Acting Mayor Charters, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

City Council then adjourned at 8:25 o'clock p.m.

Taken as read and approved.

ACTING MAYOR B. CHARTERS

S. G. Hollowell, Acting City Clerk
1996 July 9
SGH/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1996 July 17 from Tricia George, Deputy Clerk, Town of Flamborough respecting Expansion of Region of Hamilton-Wentworth Urban Transit Area.

Recommendation: **Be Received.**

2. Letter dated 1996 July 17 from James Brophy, 1088 1/2 Barton Street East, Hamilton, Ontario L8H 2V1.

Recommendation: **Be Received.**

3. Letter dated 1996 August 9 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-125 respecting the Westdale North Neighbourhood (Monster Homes). (previously distributed)

Recommendation: **Be Received.**

4. Letter dated 1996 July 30 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-109 respecting the Westdale South Neighbourhood (Monster Homes). (previously distributed)

Recommendation: **Be Received.**

5. Application dated 1996 July 24 from the City of Hamilton , Applicant Edward Lorne Richter, c/o 350 Parkdale Avenue North, Hamilton, Ontario for a modification to the "A" (Conservation, Open Space, Park and Recreation) District for 244 Lake Avenue North, Hamilton, Ontario

Recommendation: **Be Received.**

6. Application dated 1996 August 16 from Alfrin Enterprises Corporation, 554 Rymal Road West, Hamilton, Ontario for a further modification to the "C" (Urban Protected Residential, etc.) District for 73 Garfield Avenue South, Hamilton, Ontario

Recommendation: **Be Received.**

163 Dundas St. E.
P.O. Box 50
TOWN OF FLAMBOROUGH
Flamborough, Ontario L0R 2H0
Telephone (905) 689-7351
Hamilton (905) 524-0322
Toronto (905) 825-2176
Lynden (519) 647-2577

RECEIVED C.A.O.

July 17, 1996

DATE July 25/96

FILE No.

LETTER No.

FILE

Hon. Al Paladinni
Minister of Transportation
77 Wellesley Street west
Toronto, Ontario
M7A 1ZB

**Re: Expansion of Region of Hamilton-Wentworth
Urban Transit Area**

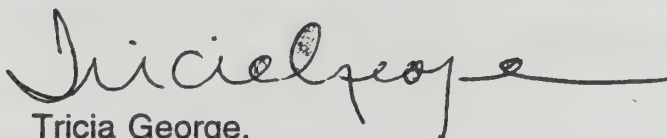
Dear Sir:

Enclosed please find a certified copy of the resolution of the Council of the Corporation of the Town of Flamborough wherein Council expresses its intention to form a Committee to consider other alternatives to expanding the Region of Hamilton-Wentworth's Urban Transit area.

An acknowledgement of receipt of this resolution and any preliminary comments on the position taken by Council would be appreciated.

Mr. John Robison, Chief Administrative Officer, will have carriage of this matter, therefore please direct any inquiries or correspondence to his attention.

Yours truly,



Tricia George,
Deputy Clerk

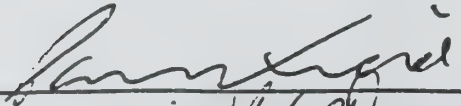
TG:is
Enclosure

C.C. Clerks, Regional Municipality of Hamilton-Wentworth

c.c. City of Hamilton's Corporate Management Team

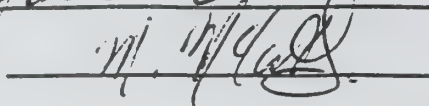
THE CORPORATION OF THE TOWN OF FLAMBOROUGH

MOVED BY



DATE July 15, 1996

SECONDED BY



FILE NUMBER XI-1

THAT in response to the Region of Hamilton-Wentworth's proposal to expand the Region's Urban Transit Area to include the Waterdown urban area in the Town of Flamborough;

THAT a Committee composed of Councillors Kidd, Monteith, Deputy Mayor Braden and town staff be struck to consider the various options available to the Town to provide public transportation to the residents of Flamborough;

THAT the Corporation of the Town of Flamborough pursuant to subsection 38(2) of the Regional Municipality of Hamilton-Wentworth Act, make representation to the Minister of Transportation to object to the proposed expansion and to seek permission to establish its own transportation network.

AND FURTHER that the Minister be advised that the Town of Flamborough has formed a Committee to review alternatives to the expansion of the Region of Hamilton-Wentworth Urban Transit Area.

AND FURTHER that the resolution of Council be forwarded to the Regional Clerk and the Clerk's of the area municipalities and the Minister of Transportation.

THE CORPORATION OF THE TOWN OF FLAMBOROUGH

MOVED BY

[Signature]

DATE July 15, 1996

SECONDED BY

[Signature]

FILE NUMBER XI-1

YEAS	DIVISION VOTE	NAYS
	BRADEN	
	AGGUS	
	MCCARTHY	
	SHURVIN	
	HUME	
	KIDD	
	VELTKAMP	
	MONTEITH	
	MCMEEKIN	
CARRIED		LOST

[Signature]
Mayor

CERTIFIED A TRUE COPY

[Signature]
Deputy Clerk

Wed. July 17, 1996

2.

Mr. James Brophy
1088 1/2 Barton St. East
Hamilton, Ontario L8H 2V1

City Clerks Office
C/O Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5
Attn: Mr. Joe Schotz

Dear Mr. Schotz

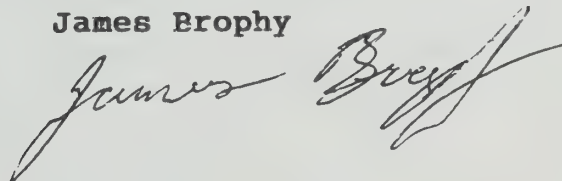
I am writing this letter, with regards to my unjust denial of my Taxi License being reinstated. I feel that, I have been unjustly refused my taxi license considering I have never been convicted of a criminal offense in the taxi. I consider myself to be a fine upstanding taxi driver, who represents the city of Hamilton in a fine upstanding fashion and democratically.

In the future, if I am allowed the reinstatement of my Taxi license. I promise to further provide the finest standard of service to this community. I have spent the past 14 year's of my life, dedicating it to the community as an upstanding taxi driver. I feel that I have obtained a good repertoire amongst owner's and broker's alike in this industry. As my driving abstract reflects, I have never been convicted of a moving violation or point deductions on my license.

I hope that this letter will help to influence your decision to reinstate my taxi license. I look forward to hearing your decision.

Sincerly Yours

James Brophy

A handwritten signature in cursive script that reads "James Brophy". The signature is fluid and stylized, with the first and last names being clearly legible.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To The Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1. That City Council enact the by-law to authorize the alteration of John Street North between a point approximately 50m north of Burlington Street and approximately 13m northerly by narrowing the roadway from the existing 8.6m width varying from 6.2m to 8.6m.
2. That a "One Hour Parking Time Limit, 24 hours a day, Monday to Saturday" regulation be implemented on the east side of Hess Street South between Bold Street and Hunter Street West and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Permit Parking" regulation on the east side of Grosvenor Avenue North commencing at a point 389 feet south of Barton Street East and extending to a point 29 feet southerly therefrom be shortened such that the regulation commences at a point 398 feet south of Barton Street East and extends to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That the existing "Permit Parking" regulation on the south side of Simcoe Street West between MacNab Street North and Bay Street North be replaced with a "Three Hour Parking Time Limit, 24 hours a day, seven days a week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the maximum number of permits allowed to be issued by the Commissioner of Public Works and Traffic be reduced from 22 permits to 12 permits.

5. That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the south side of Hunter Street West between Locke Street South and Pearl Street and that the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That a "No Parking" regulation be implemented on the east side of Dana Drive between Norrie Avenue and a point 72 feet northerly therefrom; and,
 - (b) That a "No Parking" regulation be implemented on the north side of Norrie Avenue between Dana Drive and a point 80 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That parking be prohibited on the east side of Berkindale Drive, commencing at Roxborough Avenue and extending to a point 118 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That a "Wheelchair Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Reid Avenue North commencing at a point 109 feet south of Ayr Avenue and extending to a point 40 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the existing "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation on the east side of Ravenbury Drive (west leg) commencing at a point 209 feet south of the south curb line of Ravenbury Drive (north leg) and extending to a point 39 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 391 feet south of Britannia Avenue and extending to a point 17 feet southerly therefrom, and on the east side of Fairfield Avenue commencing 375 feet south of Britannia Avenue and extending to a point 17 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Debbie Epifano, No. 165 Fairfield Avenue.

11. (a) That a "Permit Parking" regulation be implemented on the west side of Ferguson Avenue North commencing at a point 116 feet north of Macauley Street East and extending to a point 23 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Victoria Chadwick, No. 493 Ferguson Avenue East.
12. That the existing "No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the east side of East Avenue North commencing at a point 84 feet north of Robert Street and extending to a point 22 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation on the west side of Depew Street between Beach Road and Gertrude Street be replaced with a "One Hour Parking Time Limit, 24 Hours a Day, Seven Days a Week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 32nd Street between Bendamere Avenue and Elmwood Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That the existing "Wheelchair Loading Zone, 9:00 a.m. to 11:00 p.m., Seven Days a Week" regulation on the north side of Vickers Road commencing at a point 86 feet west of Upper Wentworth Street and extending to a point 30 feet westerly therefrom be revised such that the regulation commences at a point 86 feet west of Upper Wentworth Street and extends to a point 50 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
16. (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 225 feet south of Vansitmart Avenue and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Al Caldwell, No. 333 Fairfield Avenue.
- 17.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 263 feet south of Britannia Avenue and extending to a point 20 feet southerly therefrom, and on the east side of Fairfield Avenue commencing at a point 343 feet south of Britannia Avenue and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Brad Dayment, No. 177 Fairfield Avenue.
- 18.
 - (a) That the existing "No Parking" regulation on the south side of Stanley Avenue commencing at Dundurn Street South and extending to a point 450 feet westerly therefrom be replaced with a "No Stopping" regulation; and,
 - (b) That the existing "Alternate Side Parking" regulation on the north side of Stanley Avenue from Dundurn Street South to a point 410 feet westerly therefrom and on the south side from Dundurn Street South to a point 459 feet westerly therefrom be removed; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
- 19.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Norway Avenue commencing at a point 24 feet north of Cumberland Avenue and extending to a point 20 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Webb, No. 301 Cumberland Avenue.
- 20.
 - (a) That the existing "No Parking" regulation on the north side of Tom Street between Dundurn Street North and Breadalbane Street be switched to the south side; and,

- (b) That a "Permit Parking" regulation be implemented on the north side of Tom Street commencing at a point 194 feet west of Dundurn Street North and extending to a point 21 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (c) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mark Smith, No. 80 Tom Street.
- 21.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Tragina Avenue North commencing at a point 475 feet south of Barton Street East and extending to a point 16 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Don Mitchell, No. 260 Tragina Avenue North.
- 22.
 - (a) That eastbound traffic on Broughton Avenue be required to stop for northbound and southbound traffic on Grayrocks Avenue; and,
 - (b) That three-way stop control be implemented at the intersection of Ossington Avenue and Broughton Avenue; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
- 23. That westbound traffic on Kingsway Drive be required to stop for northbound and southbound traffic on John Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
- 24. That eastbound and westbound traffic on Roanoke Road be required to stop for northbound and southbound traffic on Paradise Road North and that the City Traffic By-law No. 89-72 be amended accordingly.
- 25. That northbound traffic on Tia Drive be required to stop for eastbound and westbound traffic on Nugent Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

26. That the existing hours of the School Crossing Guard at the intersection of Courtland Avenue and Stone Church Road West be extended to include the lunch time school crossing periods on a permanent basis.
27. That the lunch time school crossing service be discontinued at the intersection of Inverness Avenue and Upper Wellington Street.
28. That the lunch time school crossing service be discontinued at the intersection of Barons Avenue North and Britannia Avenue.
29. That the lunch time school crossing service be discontinued at the intersection of Upper Gage Avenue and Thorley Drive.
30. That the lunch time school crossing service be discontinued at the intersection of Concession Street and East 36th Street.
31.
 - (a) That the City's share of services in "Orchard Park Estates - Phase 2", previously approved in the amount of \$3,267, be increased to a total of \$6,667 and that the additional amount of \$3,400 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (b) That the City's share of services in "Orchard Park Estates - Phase 3", previously approved in the amount of \$7,265, be increased to a total of \$14,765 and that the additional amount of \$7,500 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (c) That the City's share of services in "Orchard Park Estates - Phase 4", previously approved in the amount of \$16,573, be increased to a total of \$26,573.00 and that the additional amount of \$10,000 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (d) That the City's share of services in "Summerfield at the Orchards", previously approved in the amount of \$122,922, be increased to a total of \$152,922 and that the additional amount of \$30,000 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.

32. (a) That in accordance with the Provincial Government's 3 Rs Regulations which mandate leaf and yard waste composting, the Commissioner of Public Works and Traffic be authorized to implement a leaf and yard waste collection program in accordance with the following criteria:
- (i) Leaf and yard waste will be collected separately from regular household garbage and recyclables; and,
 - (ii) The collection period will be from April 15th to December 15th and a Christmas tree collection in January; and,
 - (iii) Collection will be on an every other week basis with collection days designated as outlined in Appendix "A" attached hereto; and,
 - (iv) There will be no leaf and yard waste collection for statutory holidays nor will there be "make up" days for lost statutory day collections; and,
 - (v) Leaf and yard waste will only be collected when properly placed at curbside and packaged in clear plastic bags with a thickness of at least 1.5 thousandths of an inch, not more than 2.75 cubic feet, capable of holding 50 lbs or 22 kg; or in suitable reusable garbage cans/containers designated by the official leaf and yard waste logo as illustrated in Appendix "B"; or in the case of brush and garden debris tied in compact bundles not more than four feet in length; and,
 - (vi) The Department of Public Works and Traffic will make available and distribute through the mail, vinyl stick on leaf and yard waste logos for use by residents in designating specific reusable containers for leaf and yard waste, on a request basis and for an amount of \$1 each sticker; and,
 - (vii) Each individual "lift" of leaf and yard waste ie. each bag or container of material shall not exceed 50 lbs or 22 kg; and,
 - (viii) Grass clippings will continue to be collected as regular residential garbage and in addition will be collected as leaf and yard waste. Promotional efforts will be made to encourage property owners to appreciate both the benefits of recycling grass clippings onto their lawn and the use of composters; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to inform the Citizens of Hamilton and affected agencies of the leaf and yard waste collection program through local media, promotions and educational seminars as may be required and within existing budgets; and,
 - (c) That in order to facilitate a program start which recognizes operational issues for both the City of Hamilton and the Region of Hamilton-Wentworth, the program start date for 1996 be October 21.
- 33. That the Department of Public Works and Traffic be authorized to continue to fund the Sewer Street Tree Program Account No. CH56321 60430 recognizing that this account is in an overdraft projection.
- 34. That School Crossing Guards at pedestrian priority signal locations be retained for a period not to exceed one month after installation of the signals, to ensure that pedestrians using the signals operate the pushbuttons and understand the signals, following which the crossing guards will be removed.
- 35. That parking enforcement be conducted in the areas of major special events such as Aquafest, Earthsong, Festival of Friends and Tiger Cat Football Games, in accordance with the following guidelines:
 - (a) parking infraction notices will be issued only for safety related violations, or on a complaint basis; and,
 - (b) Parking Control Officers will be instructed to use as much discretion/leniency as possible; and,
 - (c) to promote public relations, Parking Control Officers will be instructed to assist the public by giving directions, general information or any other assistance, to the best of their ability; and,
 - (d) that the cost of providing parking enforcement during annual major special events be charged to the event organizers.
- 36. (a) That \$45,000 from Account No. CF758841001 be assigned for remedial repairs to the roof of the Traffic Operations Centre; and,

- (b) That Lexcan Industrial Supply Limited be authorized to do warranty repairs to the roof of the Traffic Operations Centre, on the understanding that such repairs are done with no obligation to City; and,
 - (c) That the complete replacement and restoration of the roof of the Traffic Operations Centre in the year 2002 be placed in the capital budget.
37. That the existing "Alternate Side Parking" regulation on Country Club Drive between Greenhill Avenue and Capilano Drive be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
38. (a) That the costs attributed to the 1' Reserve adjacent to the single family lot at the south-west corner of Queen Victoria Drive and Loconder Avenue (No. 607 Queen Victoria Drive), intended for development by the Hamilton Habitat Humanity organization, be waived, and the 1' Reserve adjacent to No. 607 Queen Victoria Drive be incorporated into the road allowance upon satisfactory arrangements with the City; and,
- (b) That the remainder of the charges attributable to the 1' Reserve adjacent to the remnant parcel abutting Loconder Drive be collected at the time of development of that parcel; and,
- (c) That the Treasurer be instructed to identify a source of funding; and,
- (d) That the Committee of Adjustment be advised of this resolution.
39. That Hamilton Bench Advertising Limited (No: 585 Main Street East, Hamilton, L8M 1J4) be permitted to place advertising benches on City Road Allowances for a ten year period, with revenue to the City of Hamilton, credited to Unclassified Revenue Account Centre 75001 for the following amounts exclusive of GST:

The greater of:

- (a) An annual fee of \$70 per advertising face per year or
- (b) 5% of the advertising revenue per year

subject to the following conditions:

- (i) That an Agreement be entered into between the City of Hamilton and Hamilton Bench Advertising Limited in a form satisfactory to the City Solicitor; and,
- (ii) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance; and,
- (iii) That the applicant provide, at the time of each annual payment, a map indicating the location of each bench; and,
- (iv) That the applicant provide \$5,000,000 public liability insurance, naming the City as an added insured party, and saving the City harmless from all action, interests, claims, demands, costs, damages, expenses, and loss; and,
- (v) That the Mayor, City Clerk and Treasurer be authorized and directed to execute the Agreement on behalf of the City; and,
- (vi) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (vii) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (viii) That the applicant be permitted to install a maximum of 500 large benches with advertising faces and 500 small benches with no advertising at locations determined by the following criteria:
 - 1. No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0m or less; and,
 - 2. No bench shall be placed within 6.0m of any fire hydrant; and,
 - 3. No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0m of a bus stop during the months of December to April inclusive; and,

4. Benches shall not be installed until prior approval of each bench location is received from the Commissioner of Transportation (Region), and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Commissioner of Transportation (Region); and,
 - (ix) The Applicant shall make available to the City 5% of the benches for local service organizations who will be responsible for the cost of the artwork only.
40. That the Regional Municipality of Hamilton-Wentworth be advised, through the Transportation Services Committee that the City of Hamilton rejects the recommendation respecting Annual Planting and Maintenance of Flowers (RDS 96-024(a)) which was received by the Transportation Services Committee and forwarded to the City of Hamilton for comments.
41. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) A-41 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-42 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-43 A By-law to Alter John Street North by narrowing the roadway

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

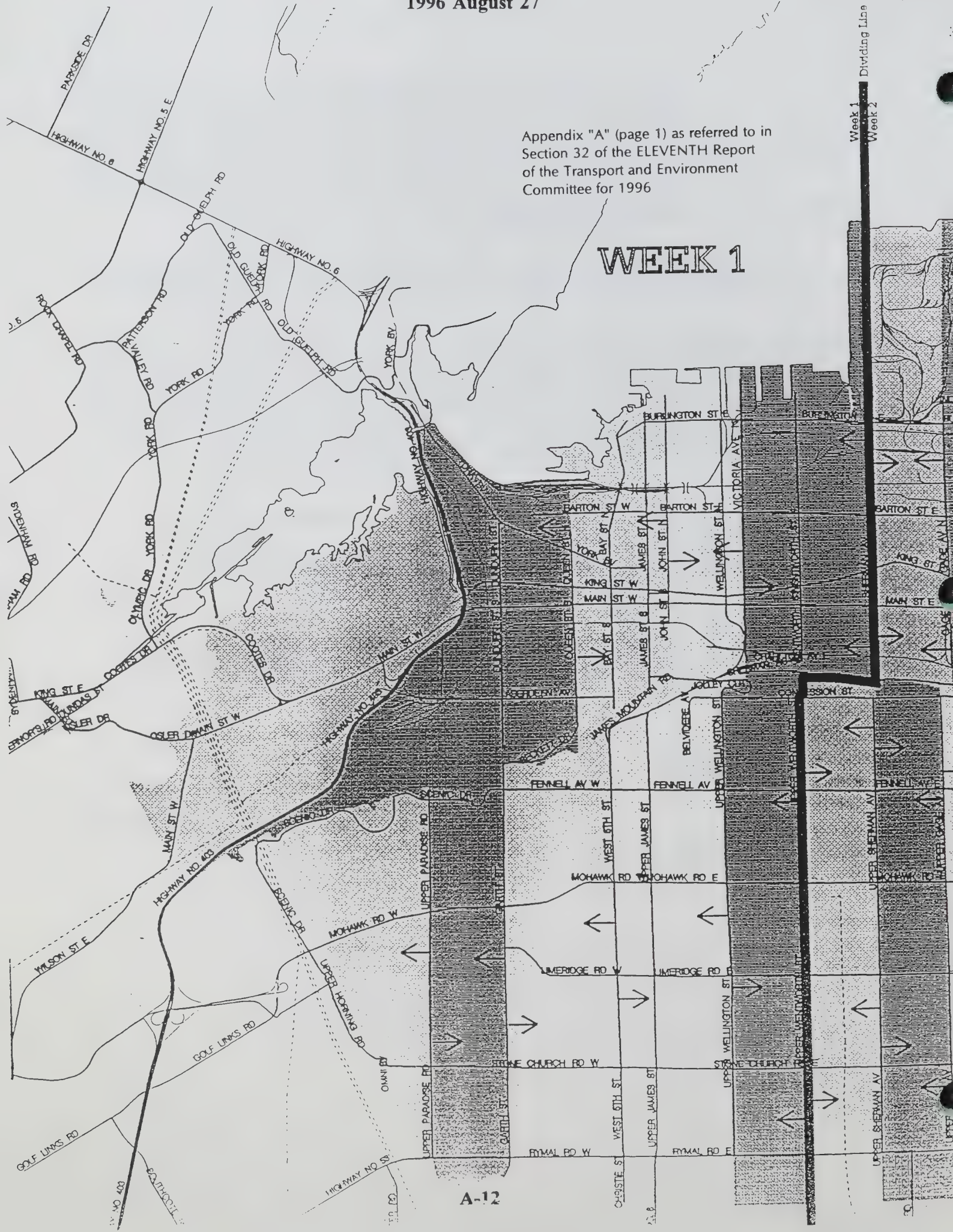
1996 August 19

1996 August 27

Appendix "A" (page 1) as referred to in
Section 32 of the ELEVENTH Report
of the Transport and Environment
Committee for 1996

WEEK 1

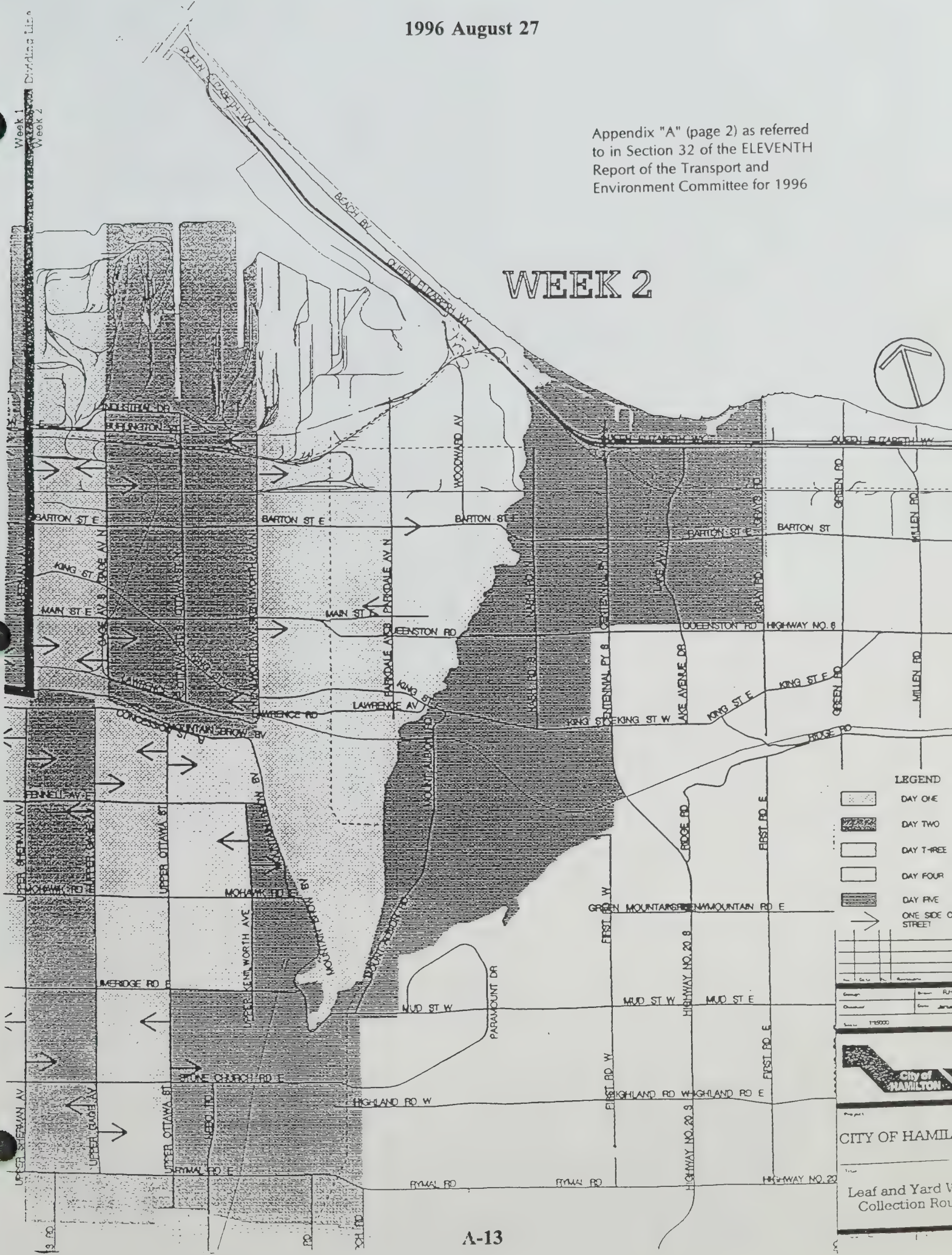
Week 1
Week 2



1996 August 27

Appendix "A" (page 2) as referred to in Section 32 of the ELEVENTH Report of the Transport and Environment Committee for 1996

WEEK 2



Appendix "B" as referred to
in Section 32 of the ELEVENTH
Report of the Transport and
Environment Committee for 1996



SIZE APPROX. 16" (.40 m) DIAMETER



Project **LEAF & YARD WASTE
COMPOSTING PROGRAM**

Title **DECAL FOR OTHER PUBLIC
WORKS VEHICLES**

Date **SEPT. 1996**

Scale **N.T.S.**

Dwg. No.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the three dimensional objects from Dundurn Castle's collection that are listed on Appendix "A" attached hereto; and,
(b) That the deaccessioned items listed above be disposed of according to the Museum Policy and City of Hamilton Purchasing Policy; and,
(c) That any funds realized from the possible sale of these objects be deposited into the Conservation of Collections Account (No. CH57406 71505) for future preventive care and treatment of Dundurn Castle artifacts.
2. (a) That approval, as required by Parks By-law No. 95-126, Sections 16 and 23, be given to Remax Realty Inc. to provide hot air balloon rides at Sackville Hill Park on 1996 Friday, September 20 and Saturday, September 21, in conjunction with the Hospitality and Tourism Show, subject to the following:
 - (i) That insurance, in the amount of \$3 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross-liability, severability provisions and thirty (30) days notice of cancellation be provided; and,
- (b) That approval, as required by Parks By-law No. 95-126, Sections 16 and 23, be given to Jump & Bounce Inc. to provide a children's activity centre at Sackville Hill Seniors' Centre on 1996 Saturday, September 21, in conjunction with the Hospitality and Tourism Show, subject to the following:
 - (i) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross-liability, severability provisions and thirty (30) days notice of cancellation, be provided.

3. That in respect of the lawn bowling clubhouse and related greens (on the grounds of the Hamilton Psychiatric Hospital) owned by the Province,
 - (a) That the City approve the Mount Hamilton Lawn Bowling Club's request to join with the Club in leasing the lawn bowling clubhouse and greens from the Province for a lease renewal term of ten years. Rent is the annual sum of \$5 per year plus all building maintenance and green costs, including utilities, insurance, lighting, water and security; and,
 - (b) That prior to the City executing the said lease renewal as co-tenant with the Club, that the Club enter into a cost sharing agreement with and satisfactory to the City to confirm, as between the City and the Club, the obligations and the costs under the Lease, to be assumed and performed by each of the co-tenants.
4. (a) That approval, as required by Section 11 Parks By-Law No. 95-126, be given to Slo-Pitch Ontario and Labatt Breweries of Ontario to sell alcoholic beverages at Turner and Globe Parks, August 30 to September 1 and September 6 to September 8, in conjunction with the 1996 Slo-Pitch Provincial Championships, subject to the following terms and conditions:
 - (i) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages be served in a confined and fenced area of the Park; and,
 - (iv) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (v) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (vi) That the Concessionaire at Globe Park be contacted to make the necessary arrangements for the provision of food at that location; and,

- (vii) That the organizers and their workers who are providing alcoholic beverages be encouraged to participate, in server intervention training; and,
 - (b) That the Liquor Licence Board of Ontario be advised that the City of Hamilton deems the 1996 Slo-Pitch Provincial Championships to be of municipal significance.
- 5.
 - (a) That Council approve a minor change in the scope of work for the capital project Dundurn Castle Phase II, Stables Conversion on the understanding that no additional capital funds will be required as the additional work will be financed from savings, totalling \$131,251 from other elements of the overall Dundurn Castle Restoration project, trust accounts and from interest attributable to grants received from senior levels of government for the project; and,
 - (b) That the following Capital Accounts be closed: CF719141002 (Dundurn Castle, Phase I, \$9,352), CF719355010 (Dundurn Castle Restoration Study, \$2,545) and CF719141008 (Dundurn Castle Phase I, Cockpit Theatre Restoration, \$22,806); and,
 - (c) That the Finance and Administration Committee recommend the method of financing; and,
 - (d) That staff be authorized to increase the Purchase Order for Taylor Hazell Architects a maximum of \$13,000 (additional fees are currently being negotiated) to compensate for additional scope of work and the increased construction value of the project.
- 6.
 - (a) That the Director of Culture and Recreation be authorized to implement the Revised Public-Private management option of the Business Plan for the Chedoke Winter Sports Park as outlined in Appendix "B" attached hereto for a one year period ending in fiscal 1997; and,
 - (b) That the Director of Culture and Recreation be directed to report to the Parks and Recreation Committee relative to the success of the Business Plan.

7.
 - (a) That an Offer to Purchase (Easement), duly executed by Hamilton Hydro Electric System on 1996 July 19 and scheduled to close on or before 1996 October 15, concerning lands municipally described as No. 96 Mary Street, being part of Beasley Park at the north-east corner of Mary and Wilson Streets legally known as part of Lots 1, 2, 3, 4 and 24, Registered Plan 255 and Part of Alley closed by Judge's Order Instrument No. 58400CD, for a 3.0 metre wide easement for underground concrete box ducts enclosing hydro-electric cables a minimum of 0.91 metres (3 feet) below grade, be approved and completed and the funds derived from this sale of \$22,000 be credited to Account No. CH4X501 00102; and,
 - (b) That the required deposit cheque in the amount of \$2,200 (10% of total price) be held by the City Treasurer pending Council approval; and,
 - (c) That Regional Surveys be authorized to prepare a plan for the proposed easement, as required for registration; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
8. That the Director of Culture and Recreation and the City Solicitor be authorized to meet with the owner of J.A. Enterprises to renegotiate certain terms and conditions, but not the duration, of the contract between the J.A. Enterprises and the City of Hamilton for the operation of the restaurant at Chedoke Civic Golf Courses.
9.
 - (a) That the bid from the internal staff team to manage and operate the Chedoke Twin Pad Arena indicating a Net Loss of \$17,120 over the next three years be accepted, as the best qualified and lowest net cost proposal to the City when compared to bids from PROFAC Management Group Ltd. (loss of \$354,969) and Bassai Limited (loss of \$62,094) as submitted in response to a Request for Proposal process; and,
 - (b) That acceptance be contingent upon verification that the Collective Agreement will not need to be amended to permit this proposal.

1996 August 27

10. That the Commissioner of Public Works and Traffic be directed to discontinue the naturalization program on the north side of Scenic Drive between the west limit of the Chedoke Hospital property and the west entrance of the Bruce Trail, at Gage Park and at Father Sean O'Sullivan Park.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

1996 August 20

Appendix "A" as referred to
Section 1 of the ELEVENTH Report
of the Parks and Recreation
Committee for 1996

1983.56.1	Chair
OC.548.16	Wood pole
OC.549.11	Wood pole
OC.549.1a	Wood pole
OC.548.1a	Wood pole
979.OC.26.1	Wooden display piece
1983.57.17a-p	furrier's sewing machine
OC.336.18	Fireman's Ribbon
OC.336.17	Fireman's Ribbon
OC.1122.1b	Bronze howda
OC.1122.1a	Bronze elephant teapot
OC.557.1	Souvenir toy canoe paddle
979.OC.333.3	Flax heckle
1979.20.8a & b	Sock stretchers
1970.127.3	Wood fragment
979.OC.376.2	Wood fragment
OC.391.10.1	Metal wall brackets
OC.391.10.2	Metal wall brackets
OC.391.8	Handcuffs
OC.348.7	64 oz. weight
OC.348.9	Handcuffs
OC.630.1	Handcuffs
T979.416.1	Hand forged implement
OC.1159.1	Heavy door lock
979.OC.333.2	Flax heckle
T474.701.1	Handmade tool
T979.680.1	Handmade tool
T979.180.1	Handmade tool, brass, mahogany
T979.664.1	Spring?
1979.23.3.2b	Wrench
T979.129.1	Handmade tool
T979.205.1	Small scraper
T979.723.2	Brass ferule
T979.712.1	Profile board
1970.108.1	Chipped ironstone bowl
1970.152.1	Brass curtain rod finial
1970.151.1	Brass escutcheon
1970.156.1	Wooden finial
1970.153.2	Large cast iron shelf brackets
1970.153.1	Large cast iron shelf brackets
1970.177.1	Cast iron bracket
1970.139.1	Piano stool
OC.668.3	2 gas wall sconces

979.OC.533.1	Frame
979.OC.546.1	Frame
1976.13.1	T square (Hendrie)
OC.21.1	Horsehide trunk
OC.940.1	Large embroidered tapestry
979.OC.7.1	Hair wreath with frame
979.OC.426.4	Large frame
979.OC.269.14	Oval Frame
979.OC.41	Framed hair wreath
OC.304.2	ships wharf model
OC.306.2a	City hotel model
OC.306.3a	burning house model
OC.306.1	Burlington Heights model
OC.302.1	Smiths Tavern model
OC.303.3a	Trolley car model
OC.303.2	wagon/horse model
OC.302.3a	country scene model
OC.305.1	Church model
OC.304.1	Train model
OC.303.1a	Trolley wagon model
OC.305.2	Dundurn model
OC.302.4a	Fountain model
979.OC.6.1	Framed feather flowers
1992.13.1 & .b	Gas light fixture
OC.345.1	Carousel model
18	Trunk
1985.101.15	Silver mounted buggy whip
979.OC.17.1	Framed folk wooden carving 1888
979.OC.108.1	Wooden frame
979.OC.42.83	Wooden frame
OC.708.1	Frame
OC.232.1	Frame
979.OC.396.1	Egg collection
979.OC.9.1	Dried flower wreath
979.OC.11.1	Wool flower wreath
979.OC.2.1	Wool embroidered wreath
979.OC.428.2	Frame
979.OC.428.1	Frame
1968.13.1	Metal bathtub
OC.316.1	architectural segment
OC.298.1	model cabin
OC.940.1	embroidered textile
	horse hair trunk
OC.471.1a,b	wardrobe with drawer
OC.37.1	musical instrument
968.1?2a	head board

2 victorian dressers (#'s not accessible)

1971.177b,a	crook pot
1970.131.1	board
979.0C.12.1	feather wreath
1976.11.56a,b	men skates
1976.11.33a,b	men skates
1983.56.1	wooden chair
1979.663.1	metal spike
1979.654.1	metal spike
1979.661.1	metal spike
0C.710.1	fireplace metal bracket
0C.710.2	fireplace metal bracket
1979.5.1	farm implement (partial)
0C.343.2	piano stool
1970.136.1	basket
1970.136.2	basket
1980.2.1	doll buggy
1970.133.1	hall stand
0C.34.3.1	piano stool
T979.744.1	farm implement
1979.20.6	farm implement
T979.633.1	blacksmith tool
T979.710.1	blacksmith tool
T979.708.1	blacksmith tool
T979.647.1	blacksmith tool
T979.706.1	blacksmith tool
T979.660.1	blacksmith tool
0C.445.34b	wood spindle
0C.445.40	spinning wheel part
0C.445.35	spinning wheel part
0C.445.40	spinning wheel part
0C.340.1	child's three wheel bicycle
1983.56.2	hall chair
0C.458.1	furniture fragment
0C.700.1	wooden decorative fragments
0C.700.2	wooden decorative fragments
0C.655.1	wooden artifact with turning device
0C.445.32	wool winder part
0C.445.20	wool winder part
979.0C.24.1	bust of unidentified man
0C.358.1a	clock
979.0c.371.7	tortoise shell calling card case
1976.11.58a	quiver
1978.11.58e to h	arrows
0C.1.1	piano and parts
0C.381.22.1-6	wooden brackets

0C.381.4.1-12	wooden curtain rings
0C.381.2.1-28	wooden curtain rings
0C.381.23.1-20	wooden curtain rings
0C.381.8.1-9	wooden curtain rings
0C.381.5.1-43	wooden curtain rings
0C.381.1.1-12	wooden curtain rings
0C.381.19.1	brass curtain ring
0C.381.10.1	end piece to curtain rod
0C.381.21.1	curtain rod finial
0C.381.7.1	curtain rod finial
0C.381.7.2	curtain rod finial
0C.381.11.1-5	brass curtain rings
0C.381.12.1-4	brass curtain rings
0C.381.13.1-6	brass curtain rings
0C.381.14.1-4	brass curtain rings
0C.381.15.1-6	brass curtain rings
0C.381.17.1,2	brass hardware
0C.381.18.1-10	brass hooks
0C.381.9.1	brass curtain ring
0C.381.6.1-12	wooden curtain rings
0C.381.3.1-41	wooden curtain rings
1969.572	wall mound electric light
0C.445.1	spinning wheel part
0C.445.2	spinning wheel part
0C.445.19	spinning wheel part
979.33.26	curtain rod holders
979.33.16	curtain rod holders
979.32.1-15	wooden curtain rings
979.3.5.1	curtain rod bracket
979.3.5.2	curtain rod bracket
979.3.4.1	curtain rod bracket
979.3.4.2	curtain rod bracket
979.3.1.1	large curtain rod rings

Chedoke Winter Sports Park

Executive Summary

Appendix "B" as referred to in
Section 6 of the ELEVENTH Report
of the Parks and Recreation
Committee for 1996

Background

Council, at its meeting of 1995 March 28 consolidated responsibility for the management and operation of the Ski Hill facility within the Department of Culture and Recreation and instructed the Director to prepare a Business Plan that was based on a break even budget for consideration prior to the start of the 1996/97 season.

In preparing the plan staff have reviewed the operations of various private and municipally operated ski hill facilities within neighbouring municipalities.

The Ski Hill operation is an important and significant recreation resource. In resort terminology, Chedoke is a "breeder" resort - this is a local resort which has great accessibility, less expensive and is basically for learning and training.

Current Operational Approach

In assessing the current operation, two principles should be kept in mind: the need to ensure that the ski hill operates at a reasonable cost, and the community wishes to ensure that the ski hill is operated with tow and rental rates that are accessible to as many of its citizens as possible.

It is very clear that the previous method of operation with the 5 partners and the shared responsibility between 3 departments made it extremely difficult to operate the ski facility in a cost effective manner.

In 1995 the realigning of the decentralized management from three civic departments, Public Works, Culture and Recreation and Property into one single management/administration has enabled the Culture and Recreation Department to define the inefficiencies.

The method of operation involves a partnership between the City and four private sector partners. The concession operation has been contracted out to a private restaurant/caterer operator. The Golf Pro/Manager who operates as a business is responsible for the administration. In addition, the Ski Lessons and Ski Rentals are operated by private partners. Each is responsible for the administration and operation of the lessons and ski rentals.

The food concessionaire pays a fixed rental and applicable commercial and retail taxes to the City. In turn the operator is free to conduct business, responsible for all expenses and is able to retain all revenues.

The Golf Pro/Manager receives a fixed sum to manage the ski operations from December 1 to March 31, responsible to sell tow tickets and ski packages, collect fees and prepare the required financial statements. In addition, within that fixed sum is compensation for wages and benefits for part-time temporary employees required for the issuing of tow tickets, ski packages and monitoring the ski hill operations.

With respect to the Ski Lesson operator and the Ski Rental operator, the City receives a fixed sum for each participant registered in the lesson program and a percentage of the profit from the rental operator.

There is no contractual agreement, only a verbal agreement which has never been revised or formalized. Overhead costs which include the provision of space in the clubhouse for the ski rentals, the lesson program administration and phone are the responsibility of the City.

City staff maintain the slopes and clubhouse and are responsible for the day-to-day operation of the lifts, at City expense. The City receives all revenues generated from tow tickets and ski packages. In 1995 the net cost of the ski operations was approximately \$362,535.

The ski season is not a long one and the hours of operation are very limited.

The current labour arrangement provides for full time unionized staff transferred on a seasonal basis between Public Works, Parks Division and Culture and Recreation. Approximately 63% of the total expenditure is attributed to staff salaries and benefits.

Schedule A contains a 5 year comparative budget analysis based on actual expenditures.

Schedule B identifies the costs and participation breakdowns including cost per hour to operate, cost per participant to the City, hourly cost of the operation and the rate of subsidy to the City.

Schedule A - Actuals

Year	Public Works- Parks Division Expenses	Culture & Recreation Expenses	Property & Maintenance Expenses	Total Operating Expenses	Total Revenue	Net Operating Expense	% Revenue to Total Operating
1991	461,678	24,158	32,175	518,011	49,965	468,046	9.7%
1992	434,520	25,000	21,709	481,229	41,614	439,615	8.7%
1993	443,675	17,454	28,876	490,005	114,162	375,843	23.3%
1994	406,470	7,918	31,503	445,891	110,156	335,735	24.7%
* 1995	50,838	393,127		443,965	81,430	362,535	18.3%
* 1996		440,170		440,170	87,525	352,645	19.8%

* The Public Works Expenses in 1995 reflect overhead costs that occurred prior to the transfer of the operations into a single management structure within the Culture and Recreation Department.

* Based on 1996 projected actuals.

Schedule B

	1995 Actuals	1996 Projected Actuals
Total # of Skier Visits	12,059	15,000
# of operational days	37 days	52 days
# hours of operation	259	400
# of Skier Visits per day	326	289
Average number of participants per hour	46.5	37.5
Total Operating Cost	\$443,965	\$440,170
Total Revenue	\$81,430	\$87,525
Net Operating Cost	<u>\$362,535</u>	<u>\$352,645</u>
Net Cost per Hour	\$1,399.71	\$881.62
Gross Cost per Participant	\$36.81	\$29.35
Avg. Skier Visits per Hour (Revenue)	\$6.75	\$5.84
Per Hour Cost being Subsidized	\$30.06	\$23.51
Rate of Subsidy	81.7%	80.1%

The current operation is heavily subsidized. Predominant users are children and youth, if we keep consistent with the overall Departmental approach to pricing at 50% subsidy level we still have a ways to go to achieve this. If we take the same view for Adults consistent with the overall Departmental approach which is to achieve a break even, it shows we are along way from this. Consideration will have to be given to what the market can bear and the break even objective may be delayed over a longer period and a phase-in approach will have to be considered. The full costing approach developed by David M. Griffith and Associates and incorporated into the Corporate User Fee Policy recommends an overall annual increase of 10%.

The current operational review provides the framework and guidance necessary to address the cost recovery and cost effectiveness of the operations.

A Proposed Vision for the Chedoke Winter Sports Park

Chedoke Winter Sports Park provides an opportunity within the heart of the City for the local community to enjoy the outdoors during the winter months. Activities include: downhill skiing for beginner and experienced skier, cross country skiing, tobogganing, skating, hiking and a cozy warm clubhouse. Aggressive program development, marketing and careful management of the operation has increased participation.

The adoption of an aggressive business plan in 1996 will enable the ski hill to be operated with minimum subsidy from City taxpayers by 1999. City staff, with the private sector partners have combined efforts to ensure first class conditions and outstanding customer service.

Operational Options

Central to the formulation of the Business Plan is a principled decision as to whether the City of Hamilton should be in the business of operating a ski hill facility. Inherent in Council's decision to seek a plan to achieve a break even budget is a position that it is prepared to stay in the business only if does not need to apply Property Tax income to subsidize the operation of the facility. If this cannot be achieved, our assumption is that Council would be prepared to seek a private operator or close the operations totally.

Both municipally and privately operated ski hill facilities are evident in the area and across the Province. Traditionally, it has been the role of the civic ski hill facility to provide low cost access to skiing, in effect serving a different market segment from the larger ski resorts. Learn to ski and training for the experienced skier are seen as the primary objectives of civic ski hills.

As the prime vehicle for the coordination and delivery of sport and recreation opportunities the Culture and Recreation Department would appear to be well-positioned to manage the operations. Municipally operated ski hill facilities are prevalent, North York Ski Centre and Etobicoke-Centennial Park are examples of cities where civic staff manage their own operations.

To be sure, other models exist. The City of Vaughan has contracted out the management of its municipal golf and ski operation.

Schedule H at the end of this report highlights other municipal operations.

Our goals in preparing the ski hill business plan have been:

- To manage all expenses
- To increase revenues
- To identify what hampers revenues

The following provides Committee with an opportunity to evaluate 4 different options: one the existing public-private partnership; two privatization of the ski hill facility; three a revised public-private operation and four is to close the operation totally.

Analysis of the Options

#1 *Existing Public-Private Partnerships*

Under this proposal, the City would continue to operate the Ski Hill facility under the existing public-private partnerships but fair market value would be charged for the use of facilities by the private operators of the lessons and rentals.

The concession operation would continue the current method of operation which involves a contract with private restaurant/caterer operator. The contract involves the payment of fixed rentals and applicable commercial and retail taxes to the City. In turn the operator is free to conduct business, responsible for all expenses and able to retain all revenues.

The Golf Pro-Manager who operates as a business receives a fixed sum from the City to manage the ski operations from December 1 to March 31. Within the fixed sum is compensation for wages and benefits for part-time staff to assist with the daily administration and monitoring of ski hill operation.

The Ski Lesson and Ski Rental operators and the City would enter into agreements that would be consistent with fair market value for space required, applicable property and business taxes and utilities. In addition they would assume costs for phones and other related services they require to carry out their business. In return the City would realize an additional estimated increase in revenue of \$10,000.

City staff maintain the slopes and clubhouse and are responsible for the day-to-day operation of the lifts, at City expense. The City receives all revenues generated from tow and ski packages. In 1995 the total operating costs was \$443,965, revenue was \$81,430 resulting in a net cost of \$362,645.

Our review revealed that this is the least cost effective option. Under this proposal the maximum cost recovery achievable is 25-30%, the City would continue to incur substantial costs. This is not a good business operation as it limits the City's opportunities; the organizational structure hampers our capacity to increase revenues and control expenses; restricts our ability to manage expenses and expenses are likely to increase at a greater rate than revenue; revenue increases limited to tow and ski package fees.

#2 *Privatization*

Committee could choose to seek a private operator through a Request for Proposal Process. It is possible that this approach could guarantee a higher return to the City through a guaranteed payment for the right to operate and through the initiation of payment of commercial and retail taxes. Staff assume that the value of the contract would be proportional to the degree of freedom granted to the contracted firm relative to lift fees and maintenance standards. Staff are of the belief that under the current operation, with the current revenues, expenses and as a stand alone operation, a private operator may not be willing to step in. In partnership with the municipal golf courses, staff are of the belief that there would be multiple bidders, thereby, guaranteeing a full and competitive process. To be sure this model exists, the City of Vaughan contracts out the maintenance and management of its ski and golf operation.

Under the terms of Collective Bargaining Agreement, staff may not be laid off, therefore they would have to be reassigned and salary base transferred. Salary and Wages represent an estimated 58% of the current

budget and operating expenses 42%. Privatization of the operation would result in a savings of approximately 42% to the Corporation. Further savings could be achieved through the layoff of staff currently employed within the operation.

Finally, savings within the capital budget could be achieved should the private sector operator be required to finance all capital improvements. There are two capital works projects within the 1996-2005 Capital Program; one is a lighting enhancement project scheduled in 2002 for \$62,000 and the second is a ski improvement project scheduled in 2003 for \$279,000.

A number of issues were identified regarding the privatization of the facility:

- We would be looking at a new operator as the current partners are not in a position or willing to step in to take over the operation.
- Current contract with food concessionaire, private operator would probably want the concession operation.
- An aging capital infrastructure in need of upgrading and replacement.
- An uncertain customer base.
- Uncertain weather conditions.

The following schedule estimates the cost benefit of a privatized operation.

	Based on 1996 Budget Estimates
Operating Savings	\$184,430
Capital Savings	\$341,000
	<u>\$525,430</u>

#3 *A Revised Public - Private Operation*

Our review revealed that the operation has the ability to minimize the property tax income needed to subsidize the operation. The implementation of a revised public-private operation will provide a smooth transition to for the skiing community.

In all other recreation venues we are approaching the break even level for adult use, mitigated only by what the market can bear. With respect to children the 50% subsidy level is consistent with the overall Departmental approach to pricing. This approach is logical as we review the objective to achieve a break even position and assist with understanding the net cost under a revised public-private operation. The primary user of the ski hill facility is children. As a "breeder" resort geared to learn to ski, our main focus is on children's program, they are the major user for both recreational skiing and the lesson program.

We would anticipate a net cost under the Departmental approach with the understanding to minimize these costs with the goal to achieve a break even position. This will be accomplished by both annual user fee increases, as incorporated in the Corporate User Fee Policy and an increase in skier visits.

As an alternative to the current management system the following were seen as issues to achieving the break even position.

a) Management Structure

Under this proposal, the private concessionaire and the Golf Pro/Manager would continue to operate under the current format and all other services would come under the control of the City. All revenues from tow tickets, lessons and special interest programs come fully under the control of City staff. In discussions with Mr. McCaughey, Chedoke Ski School the net proceeds will cover his salary and wages and generate an operating surplus that will enhance the financial position of the ski hill operation. The Ski Equipment Rentals would come under the control of the City in two years, for the interim a private operator through the request for proposal process would operate the rentals and assume all costs for the ski rental inventory.

We believe this relationship will improve the overall operation by more closely aligning the operations and program priorities.

b) Extending Ski Season and Hours of Operation

It is clear, if the ski hill is to operate at a break even objective or a significantly reduced loss, it must be open for longer hours and more days in the season.

We have the ability to extend the planned season to 10.5 weeks (commencing Dec. 18th until March 1) from the 8.6 weeks (Jan 1 to March 1) and increase the hours of operation from 35 hours to 50 hours per week. This maintains the current 5 day a week operation but extends the hours to include afternoons and Saturday and Sunday evenings. This approach is balancing the needs of operation with the manpower requirements and cost effectiveness. Naturally, the season is weather permitting.

Under this proposal, revenue generating opportunities increase through daytime availability, additional recreational skiing hours, increase in number of lessons/rentals, Christmas packages for adults and children and special events.

c) Organization of Manpower

Our review revealed that under our current organizational structure, salaries and benefits accounts for approximately 58% of total expenses.

The staff employed to the ski hill operation are unionized staff. The basic hourly rate and the number of staff as snowmakers, groomers and mechanics is similar to that of other ski operations in the area of full time staff. However, all other ski operations use part time staff to perform lift operation functions, at a significantly lower rate (\$6.00 - \$8.00/hour) than the \$17.00 our unionized tow operators receive.

Currently, we are experiencing a high rate of labour for low skilled jobs. Methods to address this are cross training and student labour.

Labour costs are higher than industry standards, if zero is the target labour costs must be lowered. In order to reduce per hour operating costs accommodation of part time employees or students is a must. Further negotiations and dialogue with union leaders is critical to achieving a cost effective operation.

We are proposing a modified operation which combines full time staff for the snowmaking, grooming and mechanical functions and part time staff or students for the tow operation. This method of operation is compatible with most facilities, especially where the objective is to break even (North York, Etobicoke). This modified operation is geared to prime time hours and high participation yet reduces the salary and

wage budget by some \$51,000. With part time staff, the operation has the flexibility to be a 5 - 7 day a week operation and in the event that conditions do not permit opening or there is limited skiing, the schedule can be modified accordingly. Part time staff are on call, something our current structure does not permit. The hours and schedule maximize a variety of programs and revenue generating opportunities while reducing our operating expenses through the use of part time staff.

The modified operation is the most advantageous to achieving a substantially reduced net cost to the City or a break even position.

The following comparison schedule provides an outline of labour costs.

	Options	# of Full Time Staff	# of Part Time Staff	Salary & Wage Budget	Hours of Operation	
#1	Current Operation - 35 hours/week for 8.6 weeks	22 10 snowmakers/ groomer/mechanic \$148,811 12 Tow Operators \$95,125		\$243,936	Mon - closed Tues - closed Wed - 3 - 10 pm Thurs - 3 - 10 pm Fri - 3 - 10 pm Sat - 9am - 4pm Sun - 9am - 4pm	total man hrs - 12,336
#2	Modified Operation - 50 hours/week for 10.5 weeks - Part time student labour @ \$7.50/hr	10 snowmakers/groomer/ mechanic \$148,811	50 10pt tow operators per day for 5 days \$7.50x55x10x10.5wks \$43,313	\$192,124	Mon - closed Tues - closed Wed - 1 pm - 10pm Thurs - 1pm - 10pm Fri - 1pm - 10pm Sat - 9am - 9pm Sun - 9am - 8pm	total man hrs - 13,063

d) Other Related Operating Expenses

In addition to the salary, wage and benefit expenditures, the operation requires additional funds to maintain the operations ie: heating and hydro, rental of snow grooming equipment, etc. These costs although variable are budgeted at \$184,430 and represent 42% of the budget. With the increase in hours and operating days it is expected these costs will remain relatively the same.

Schedule F at the completion of the Executive Summary outlines the total expenditures.

e) Lift Rates and Fees

Our primary usage is in the area of "learning to ski". Our present tow ticket structure does not lend itself to support this area.

Staff have reviewed a time ticket system for public skiing that offers unlimited runs during the period purchased and believe this would be well received by the skiing community. Skiers have the option to ski under a number of tow choices. It provides for better customer service and the opportunity to increase participation.

The introduction of a Senior tow ticket is new and the full day lift ticket increases slightly for both adults and children.

	1 HOUR	2 HOURS	4 HOURS	FULL DAY
Junior	\$4.00	\$8.00	\$10.00	\$14.00
Adult	\$5.00	\$10.00	\$12.00	\$17.00
Seniors (60 yrs. +)	\$4.00	\$8.00	\$10.00	\$14.00

Season Passes

After a review of the ski packages, it is recommended we reinstate season passes. Pass sales are key revenue generators and can be a great marketing tool to entice the regular users and increase skier visits. The pass fees are comparable with the ski packages for adults and children with the addition of a senior and family pass.

Full Season	before November 15	after November 15
Junior (under 18 yrs)	\$100.00	\$110.00
Adult	\$120.00	\$132.00
Senior (60 yrs. +)	\$ 50.00	\$ 60.00
Family	\$275.00	\$300.00

f) Lesson Program

The in-house operation of the lesson program will enable a co-ordinated and efficient program along with increased revenue potential. It will enable control of revenues, expenses and ensure the quality of program. In discussion with Mr. McCaughey, Chedoke Ski School, the net proceeds will cover his salary and wages and generate an operating surplus that will enhance the financial position of the ski hill operation.

The lesson program is the primary focus of the ski hill operation. It is the principle user and further revenue opportunity exists through the extended hours.

By establishing an in-house operation, increasing hours and the extended season we are able to provide an efficient and cost effective service while achieving our objective of minimizing the net costs to the City.

Comparison of proposed lesson fee structure

Lesson Program	1996 Private Operator	1997 City Operated
Children	\$70.00/7 wks City realizes \$18.00/registrant	\$75.00/7wks - City realizes full amount
Teens	\$75.00/7wks City realizes \$24.00/registrant	\$80.00/7wks - City realizes full amount
Snowboards	\$75.00/7wks City realizes \$24.00/registrant	\$80.00/7wks - City realizes full amount
Ladies	\$65.00/6wks City realizes \$24.00/registrant	\$70.00/6wks -City realizes full amount
Adults	\$105.00/7wks City realizes \$24.00/registrant	\$110.00/7wks - City realizes full amount

Schedule H

The following highlights of the operations of other municipalities.

Ski Area	Glen Eden	Vaughan - Uplands Ski Centre Privatized Operation - Management Agreement	Ellobicoke - Centennial Park	North York - North York Ski Centre	Hamilton - Chedoke Winter Sports Park
Ski Season	- early Dec. - late Mar. (12 to 16 weeks)	- mid-Dec. until after Mar. Break (12 weeks)	- mid-Dec. until after Mar. Break (12 weeks)	- mid-Dec. - mid-Mar. (12 weeks)	- late Dec until Mar 1 (8.6 weeks)
Hours of Operation	- 7 day operation - Mon - Fri 10:00am - 4:30pm 6:30pm - 10:00pm Sat. 8:30am - 4:30pm 6:30pm - 10:00 pm Sun. 8:30am - 4:30pm closed evening Total hours - 70	- 6 day operation - Mon - closed Tues - Fri 10:00am - 10:00pm Sat & Sun 8:30am - 6:30pm Total hours - 68	- 7 day operation - Mon 4:00pm - 9:30pm Tues-Thurs. 10:00am - 9:30pm Fri 10:00am - 10:00pm Sat 9:00am - 10:00pm Sun 9:00am - 9:00pm Total hours - 77	- 7 day operation - Mon - Fri 10:00am - 9:30pm Sat 9:00am - 9:30pm Sun 9:00am - 8:00pm Total hours - 81	- 5 day operation - Mon & Tues closed Wed - Fri 3:00pm - 10:00pm Sat & Sun 9:00am - 4:00pm Total hours - 35
Concession Operations	- In-house - operate on a 25% profit Revenues \$200,000 Expenses 140,000 Profit \$ 60,000	- management agreement - private concessionaire - no return to City	- In-house - Year Round Concession - Winter Operation realizes a profit of \$35,000	- private operator - limited menu (chips, chocolate bars, pop, etc) - current revenues \$7,700 - intend to bring back in-house	- private operator/year round contract (Golf/Ski) - revenue portion for winter operations approximately \$8,000
Lessons	- private concessionaire under contract. - concessionaire receives a negotiated fixed sum per lesson - lift tickets built into lesson package - fees make up 66% of applicable lift ticket rates on a pro rated basis Glen Eden receives 17% of profits	- management agreement - private - no return to City	- In-house - over 2,200 registered in group lessons - Have a very big Bd of Ed program Revenue \$215,000 Expenses 84,350 Profit \$130,737 - Lessons \$80.00 for 8 weeks Equipment Rental fees \$ 45.00 for the 8 weeks - private \$26.00/hr & semi-private \$40.00/hr lessons	- In-house Revenue \$300,000 Expenses 75,000 Profit \$225,000 - 80 certified part time seasonal instructors/coaches/snowboard - large Bd of Ed. program 3,000/week - 2,700 participants in group lessons Total Revenue \$28,790	- Private operator - current understanding includes a flat fee paid to City per registrant Children \$18.00 per registrant Adult \$24.00 per registrant Revenue to City for ski school is \$21,630 - Disabled Skiers pay a flat fee of \$1,000 - Racing Club includes a flat fee of \$80.00 per registrant Revenue from Racing Club \$6,160 Total Revenue \$28,790
Rentals	- In-house - 50-60% return on rentals - turn over 25% of inventory through sales each season - labour costs do not exceed 30% Revenues \$250,000 Expenses 88,000 Profit \$162,000	- management agreement - private - no return to City	- In-house - available for 2,4 or 8 hrs. - rental rates junior for 2 hrs. \$7.00 to adult for 8 hours \$15.00 Revenues \$83,475 Expenses 34,889 (\$18,000 new equipment costs) Profit \$48,586	- In-house - 400 full sets/10- 15 snowboards Revenue \$200,000 Expense 50,000 Profit \$150,000 - operations includes 12 part time staff/ \$8,000 spent for new inventory Total Revenue \$9,667	- Private operator - current understanding is the operator pays 50% of the net profits to the City Revenue to the City \$9,667 Total Revenue \$9,667

Municipalities facility comparison - cont'd

Ski Area	Glen Eden	Vaughan - Uplands Ski Centre	Etobicoke - Centennial Park	North York - North York Ski Centre	Hamilton - Chedoke Winter Sports Park
Lift Ticket Fees	- Junior and Adult rates - 1/2 day and full day rates - \$16.00 - \$24.00 - 1/2 day junior to full day weekend adult	- established by private operator	- Time Ticket System for Public Skiing offers Unlimited Runs for time purchased - Tow tickets for 1/2/4/8 hours - Junior - 1 hr \$4.00/ 8 hrs. \$14.00 Adult - 1 hr \$5.00/8 hrs. \$17.00	- Junior and adult rates - hourly rates for 1/2/4/6/8 - junior rates \$7.00/1 hr. - \$18.00/8 hrs. - adult rates \$8.00/1 hr. - \$20.00/ 8 hrs.	- Junior and Adult Rates - full day rates only weekdays - \$10.00 junior/\$12.00 adult - 1/2 day and full day rates (weekends) - 1/2 day junior \$10.00/\$12.00 adult - full day junior \$12.00/\$15.00 adult
Season Passes	Yes - offer early bird pre season rate - adult/student/junior/family passes - \$215.00 junior - \$405.00 adult family pays per member - option for weekday pass only Senior \$90.00/Junior \$135.00 Adult \$265.00 - Passes key revenue generators	Yes	Yes - Junior \$100.00 - Adult \$135.00 - Senior (60+) \$30.00 (50 senior season passes issued)	Yes - offer early bird pre season rate - junior/student/adult/senior passes - \$114.00 senior early bird to \$261.00 for adults - also available are passes for mid week and nights only	No - provide ski packages of 10 tickets - Children \$90.00/Adult \$100.00
Staffing	- Full time - 11 (snowmakers, mechanics, groomer) - \$18.25/hr. - Part time - 200 (lift attendants) - \$7.50/hr. - 1 full time person responsible for Marketing	responsibility of the private operator	- Full time - 9 (1 snowmaker & 1 labour/shift-3 shifts) \$17.22/hr. (3 supervisors also assigned other responsibilities) - Part time - 31 (tow operators) \$6.85/hr.	- Full time - 6 (\$16-\$17/hr) (snowmakers, lift maintenance) - Supervisor 1 (\$18.00/hr) - Part time - 120 (tow operators/ rental staff/ticket takers (\$7.00- \$9.00/hr.)	1996 August 23 - Full time staff only - 26 (\$17.00/hr) (10 snowmakers, 1 mechanic & 12 tow operators) - 2 Supervisors - The Golf Pro/Manager provides 4 part time as ticket takers and hill monitors
Volunteers	Yes - Hill hosts receive free skiing must work 15 hr/wk.	No	No	Yes - to patrol hills/receive complimentary lift ticket	No
		Under the Management Agreement - profit goes to capital improvements to the facility - there are no budgeted costs to the Town of Vaughan			

g) Special Interest Programs

In addition to the lesson program two secondary programs operate within the program schedule. Chedoke Racing Club and Hamilton Association for Disabled Skiers (HADS).

- *Chedoke Racing Club* participants under the current fee structure pay a flat fee of \$80.00 per participant. It is proposed that there be no change in the administration and operating relationship but the fee to the City be increased to \$100 per participant. With this fee comes the opportunity for the registrants to ski for the evening at no additional costs. The program operates three times a week.
- *HADS* pays the City a flat fee of \$1,000 for one evening a week of skiing. It is proposed that the administration and operation along with flat fee remain the same.

Schedule F provides the proposed revenue details for the lesson and special interest programs.

h) Ski Equipment Rentals

As an alternative the current arrangement where a private operator provides the ski equipment rental. We are proposing that this component of the operation come fully under the control of City staff but not for a 2 year period. Operationally and principled with the need to minimize the net cost to the City and the timeframe of the Golf Course Business Plan, it would be in the best interest financially to maintain the operations through a private operator. Estimated capital investment (180 - 200 complete sets) to purchase the required inventory of skis, boots and poles is \$40,000. A private operator through a Request for Proposal Process is proposed. Staff are of the belief that there would be multiple bidders, thereby guaranteeing a full and competitive process.

Staff assume that the value of the contract would be proportional to the degree of freedom granted to the contracted firm relative to fees and maintenance standards. The draft budget included as Schedule F indicates that a net profit of \$20,000 is possible for 1997.

At the end of the two year period the ski rental operation and the capital investment could be assessed with the view to come fully under the control of City staff, resulting in increased revenue.

i) Development of a Comprehensive Marketing Program to increase Skier Visits

The City has not marketed the ski hill operation in a focussed and coordinated fashion. In conjunction with the new time ticket system and the learn to ski program, an aggressive ad campaign locally and as part of the Region's tourism strategy has the capability of generating an increased number of skier visits.

j) Daytime School Lesson Program

Inherent in the daytime hours is opportunity to provide a program aimed at attracting the Boards of Education. This area both in terms of daytime use and a school program has not been emphasized in the recent past. The extended hours provides an ideal opportunity to provide this program. The relationship with the local and neighbouring boards and ski hill operation provides the potential for a positive partnership in the development of a learn to ski program and experience. A complete package which includes tow ticket, rental and lesson for \$12.00 is cost effective for both the schools and provides a revenue opportunity for the City.

k) Capital Investment in Upgrading Equipment

The current equipment is old and operable but lags behind other competitors. If there is any one area to consider upgrading, it is our snowmaking equipment in order that we can make snow at moderate temperatures or near freezing temperatures.

We are proposing to review the capital investments at the completion of the two year period, with a view to develop a capital program at that time.

l) Volunteers

Our review revealed that volunteers can play a role in the operations. Monitors, hill hostesses provide the vehicle towards a positive approach in the area of customer service. A program of complimentary tow tickets are the means to enlist the support of volunteers.

m) Financial Picture resulting from a Revised Public-Private Operation

The following *Schedule (F)* restates the budget inclusive of applicable costs and new revenues generated by the new management structure. It provides a reasonable basis for analysis the with current operation, a comparable municipal operation and lastly a budget inclusive of applicable indirect costs and Corporate overhead. In this way all costs are reported, thereby providing a reasonable basis for analysis with private sector operations.

In conclusion a revised public-private operated facility over time provides the foremost opportunity to continue the operation, improve the delivery of program and over time achieve a cost effective operation with minimum cost the the City.

#4 Closure of the Ski Hill Operations

In the event that City is not willing to go forth with any of the above options, the operation should be closed. Given the terms and conditions of the staffing, the potential savings from the closure of the ski hill would have to be partially offset due to our requirement which brings seasonal staff over from Public Works, Parks Division. These staff would have to be reassigned and salary base transferred, this would result in a savings for operating expenses of approximately 42% only, as salary and wages represent an estimated 58% of the budget. Further savings could be achieved through the layoff of staff for what would be the ski hill season, this would represent a full savings. The only associated costs required would be for the utilities and maintenance of the clubhouse during this downtime. These costs would be nominal. The private concessionaire and the Golf Pro/Manager's present contracts would need to be readdressed to reflect this closure.

Finally, savings within the capital budget could be achieved should closure occur. Some capital could be reclaimed by the sales of owned capital equipment.

The following schedule estimates the cost benefit of a full closure of the operation. The indirect and corporate overhead costs in the amount of \$116, 564 would be reassigned across other services within the Culture and Recreation Department,

	Based on 1996 Budget Estimates	Based on 1996 Budget Estimates - Base Salary for Staff Transferred
Operating Savings	\$184,430	\$184,430
Salary and Wage Savings	\$255,740	
<i>Total Operating Savings</i>	<i>\$440,170</i>	<i>\$184,430</i>
Loss of Revenue	81,430	81,430
Capital Savings	\$341,000	\$341,000
	<u>\$862,600</u>	<u>\$606,860</u>
Revenue from sale of capital equipment	\$50,000	\$50,000
<i>Total Net Savings</i>	<u>\$912,600</u>	<u>\$656,860</u>

Conclusion

The term of Ski Hill operation should correspond with the Municipal Golf Business Plan timeframes. To be consistent with the wishes of the Committee to have all related contracts terminate at the same time, it is recommended that Option #3 A Revised Public-Private Operation be implemented. As the completion of the Golf Contracts (two years), Committee will have the opportunity to evaluate and select its preferred longer term operations strategy for the Ski Hill operation.

Schedule F

Comparison of a Draft Budget against the current approach and similar municipal operations

	Proposed City Operated	Current Operational Approach	North York Ski Centre	Etobicoke Centennial Park
Season	10.5 weeks	8.6 weeks	12 weeks	12 weeks
Operational days	52 days	37 days	84 days	84 days
Hours of Operation per week	50 hours	35 hours	81 hours	77 hours
Manpower	Full Time - 10 Part Time - 50 (tow operators)	Full Time - 22	Full Time - 12 Part Time - 200 (tow operators/lesson instructors)	Full Time - 21 Part Time - 150
Concession Operations	Private Operator	Private Operator	Private Operator - (plan to bring back in-house)	In-house
Lessons	In-house	Private Operator	In-house	In-house
Rentals	In-house	Private Operator	In-house	In-house
School Program	yes	no	yes	yes
Financial Picture				
Expenses: Salary & Wages	\$192,124	\$243,936	\$532,086	\$305,300
Operating Expenses	\$184,430	\$184,430	\$232,093	\$93,700
Golf Pro/Manager	11,800	11,804		
Total Gross Cost	<u>\$388,354</u>	<u>\$440,170</u>	<u>\$764,179</u>	<u>\$399,000</u>
Revenues: Tow Tickets/ Season Passes	\$80,000	\$37,910		\$98,924
Lessons & Special Interest Programs (revenue over cost)	In-house \$70,207	Private Operator \$28,830		In-house \$218,149
Rentals	Private Operator (2 yrs) \$20,000	Private Operator \$9,667		In-house \$97,650
School Program (revenue over cost)	In-house \$13,830			Yes - included with Lesson Program Revenue
Concessions	Private Operator \$8,000	Private Operator \$8,000		In-house \$40,000
Total Revenues	<u>\$192,037</u> 49.4%	<u>\$84,407</u> 19.2%	<u>\$700,000</u> - 91.6%	<u>\$425,089</u>
Net Cost	<u>\$196,317</u> 50.6%	<u>\$355,763</u> 80.8%	<u>\$64,179</u> 8.4%	Profit of <u>\$26,089</u>
Applicable indirect costs and Corporate Overheads costs	\$116,564	\$116,564		

Schedule G

Schedule G identifies the draft budget costs and participation breakdowns of Option #3. The following includes: cost per hour to operate, cost per participant to the City, hourly cost of the operation and the rate of subsidy to the City.

	1997
Total # of Skier Visits	17,000
# of operational days	52 days
# hours of operation	525
# of Skier Visits per day	327
Average number of participants per hour	32
Total Operating Cost	\$388,354
Total Revenue	\$192,037
Net Operating Cost	<u>\$196,317</u>
Net Cost per Hour	\$373.94
Gross Cost per Participant	\$22.84
Avg. Skier Visits per Hour (Revenue)	\$11.36
Per Hour Cost being Subsidized	\$11.48
Rate of Subsidy	50.6%

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to amended Zoning Application 95-01, Chambers Group, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - modified for Blocks "2" & "3", for lands located at the rear of 1170 - 1180 Upper James Street, shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton- Wentworth and the holding provision will prohibit the development of Block "2" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and a landscape plan has been submitted and approved by the Director of Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and
 - (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,
 - (iii) That Blocks "2" & "3" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,
 - (iv) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

- (1) That notwithstanding Section 9.(3)(ii), a side yard of a width of not less than 2.4 m shall be provided and maintained along the entire southerly lot line of Block "2"; and,
- (2) That a landscape area not less than 2.4 m in width shall be provided and maintained along the entire southerly boundary of Block "2", where the lot adjoins a commercial district; and,
- (3) That notwithstanding Section 9. of Zoning By-law No. 6593, only a 4.52 m planting strip, shall be permitted on Block "3"; and,
- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1366, and the subject lands on Zoning District Map W-9B be notated S-1366; and,
- (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
- (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (viii) That the approved Kernighan Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.
- (b) That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Block "3" of the subject lands to Schedule "A".
- 2. (a) That approval be given to amended Zoning Application 96-08, 712169 Ontario Ltd. (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified, to permit development for a maximum of seven townhouse dwelling units, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District; and,

- (ii) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10E.(7)(a)(i) not more than 7 single-family dwelling units shall be permitted; and,
 - (2) That notwithstanding Section 18A(14g), the required parking area may be located in a required front yard; and,
 - (3) That notwithstanding Section 18A(25), the access driveway shall be located not less than 1.5 m from the southerly side lot line, and not less than 1.5 m from the westerly rear lot line, for a distance not to exceed 3.0 m; and,
 - (4) A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire westerly rear lot line; and,
 - (5) Provided the adjacent lands abutting the southerly side lot line are utilized for single-family residential purposes, a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire southerly side lot line.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1365, and that the subject lands on Zoning District Map E-38B be notated S-1365; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B for presentation to City Council; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That the approved Randall Neighbourhood Plan be amended to redesignate the rear portion of the subject lands from "Single & Double" to "Attached Housing".

3. That approval be given to Zoning Application ZAC-95-04, Mike & Gus Holdings Ltd., owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject land for single family dwellings, for property located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District; and,
 - (b) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1367, and that the subject lands on Zoning District Map W-9B be notated S-1367; and,
 - (d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
4. A. (a) That Subdivision Application SAC-95-02, Ontario Realty Corporation, requesting approval of a draft plan of subdivision, on lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, comprising of 22 lots for single detached dwellings, 35 lots for small lot single detached dwellings, 4 blocks for future development with adjacent lands as single detached dwellings, a block for a 0.30 m reserve, a blocks for road widening purposes, and a block to be developed with adjacent lands for a school site in, under Regional File 25T-95011, as shown on the attached map marked as Appendix "D", be approved on the following basis:

- (i) That this approval apply to the plan, as revised in red, prepared by Ontario Realty Corporation and certified by B.J. Clarke, O.L.S., dated March 22, 1995, showing 22 lots for single detached dwellings (Lots 1-15 inclusive and Lots 51-57 inclusive), 35 lots for small lot single detached dwellings (Lots 16-50 inclusive), 4 blocks for future development with adjacent lands as single detached dwellings (Blocks 59-62 inclusive), a block for a 0.30 m reserve (Block 64), a block for road widening purposes (Block 58), and a block to be developed with adjacent lands for a school site (Block 63); and,
- (ii) That the Owner acquire the necessary lands to establish Street "A" to its full width of 26.0 metres; and,
- (iii) That the Owner dedicate 12.0 x 12.0 metre day-light triangles between the widened limits of Stone Church Road West and Street "A" to the City of Hamilton; and,
- (iv) That the Owner establish a 2.0 x 2.0 metre day-light triangle at the intersection of Greywood Road and Lot 16; and,
- (v) That the Owner establish a 9.0 metre radius transitional curves at each end of the 15.0 metre radius elbow on Greywood Drive in the vicinity of Lots 7 to 11; and,
- (vi) That the Owner establish Brigadoon Drive at 20.12m from the existing westerly limits of the subdivision to the westerly limits of Street "A"; and,
- (vii) That the Owner establish Greywood Road at 20.12m from the westerly limits of the subdivision to Brigadoon Drive; and,
- (viii) That the Owner dedicate Street "A", Street "B", the extension of Brigadoon Drive and the extension of Greywood Drive to the City of Hamilton at the time of registration of the Final Plan of Subdivision; and,
- (ix) That the draft plan be revised with the daylight triangles and street radii changed to the hard metric conversions to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (x) That the centreline radius of Brigadoon Drive opposite Greywood Road intersection be increased to 250m; and,

- (xi) That sufficient lands (Block 58) be dedicated to the Region by Certificate on the Final Plan of Subdivision, to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance; and,
- (xii) That the Owner establish Court "B" to a width of 20.12m; and,
- (xiii) That Street "A" be established and constructed to its full width during the first phase of development to provide arterial road access to this neighbourhood; and,
- (xiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xv) That the frontage outside the daylight triangle for Lot 1 be a minimum of 4.5m in width (3.0 m single vehicle access with side yard setback) and that access be constructed at the northern limits of the lot outside the Region's daylight triangle; and,
- (xvi) That Blocks 59, 60, 61, 62 and 63 on the red-line revised plan, must be developed in conjunction with adjacent lands; and,
- (xvii) That the owner agree, in writing, not to apply for building permits for Blocks 59, 60, 61, and 62 until such time as the adjoining lands are merged in title to complete the ultimate configuration of these future lots; and,
- (xviii) That Block 63 be merged in title with the adjoining property; and,
- (xix) That the streets be named to the satisfaction of the City of Hamilton; and,
- (xx) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
- (xxi) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (xxii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

- (xxiii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
 - (xxiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (xxv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,
 - (xxvi) That the Owner enter into Subdivision Agreements with the City and Region prior to development of any portion of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95011), Ontario Realty Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision; and,
 - (d) That the approved Gourley Neighbourhood Plan be amended to add the public highway shown as Court "B" and that Lots "35" to "57" inclusive, on the draft plan of subdivision be redesignated from "Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.
- B. That amended Zoning Application ZAC-95-12, Ontario Realty Corporation, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "2"), for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, as shown on the attached map marked Appendix "E", be approved for the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District; and,
 - (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1368, and that the subject lands on Zoning District Map W-17C be notated S-1368; and,
 - (d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,
 - (e) The application complies with the City of Hamilton Official Plan.
5. (a) That approval be given to application SAC-95-06 (Regional File No. 25T-95007), Demetre Dekaneas, owner, to establish a draft plan of subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood, to be developed in two phases, subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated March 22, 1995, showing 21 lots for single detached dwellings, a block for future development (Block 22), 6 blocks to be developed in conjunction with adjacent lands (Blocks 24 - 29 inclusive), a block for road widening purposes (Block 23), 2 blocks for 0.30 m reserves (Blocks 30 and 31) and to establish two public highways (Court "A" and Court "B") (see attached Appendix "F"); and,
 - (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

- (vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
- (viii) That the temporary road access proposed from Court "A" to Rymal Road be designed and constructed to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Regional Commissioner of Transportation; and,
- (ix) That the Owner establish 0.30 metre reserves at the dead-end and open side of any road allowance within the plan of subdivision and that these reserves be transferred to the City of Hamilton upon registration of the Final Plan of Subdivision; and,
- (x) That all cul-de-sacs proposed be designed with 15.0 metre radius bulbs and 9.0 metre radius transitional curves into and out of the bulb; and,
- (xi) That the Owner provide a temporary storm water management pond, until the lands to the east are developed and storm sewer outlet is available. Such pond will be located on an easement conveyed to the City of Hamilton and will be maintained by the proponent until all the houses on Lots 1 to 18 inclusive are constructed and all lots sodded. At that time, a maintenance period of one (1) year will take effect. After the one (1) year maintenance period expires, the City of Hamilton will maintain the pond for a fixed fee, paid by the proponent, and to be pre-determined prior to the execution of the subdivision agreement; and,
- (xii) That the Owner be responsible for the construction of a sidewalk on the east side of Court "A"; and,
- (xiii) That the cul-de-sac bulb on the west side of Court "A", north of Rymal Road, must be constructed with the registration of the plan; and,
- (xiv) That the lotting and street configuration for Phase 1 be included and the lands shown as Phase 2 be only shown as a block on the plan; and,
- (xv) That the Owner is required to provide the City with the cash amount for removal of the temporary road access to Rymal Road, and all restoration related to the removal of this temporary access; and,

- (xvi) That notification should be placed on title for Lots 1 to 21 inclusive and all the Blocks stating that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,
- (xvii) That Court "A" be established as a cul-de-sac and dedicated as a public highway to the City of Hamilton on the registered plan; and,
- (xviii) That the Owner establish Court "A" and Court "B" to its full 20.0m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision; and,
- (xix) That the Owner agree in writing that Development of Block 22 cannot proceed until storm and sanitary sewers and watermain are existing at the limits of the block; and,
- (xx) That the Owner agrees to not request a building permit on each of Lots 19 to 21 inclusive, until such time as each lot is no longer required for storm water management purposes, to the satisfaction of the Commissioner of the Regional Environment Department; and,
- (xxi) That Lot 21, Block 22 and Block 29 not be registered until such time as Block 22 has direct frontage along a public highway in accordance with the requirements of the City of Hamilton Zoning By-law No. 6593; and,
- (xxii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xxiii) That the Owner dedicate Block 23 for road widening purposes to the Regional Municipality of Hamilton-Wentworth; and,
- (xxiv) That Blocks 24 - 29 inclusive must be developed in conjunction with the adjacent lands; and,
- (xxv) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,
- (xxvi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95007), Demetre Dekaneas, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the Sheldon Neighbourhood Plan be amended in accordance with the proposed draft plan of subdivision "Westview Estates" to add Court "A" and that a notification be placed on the Neighbourhood Plan advising that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,
 - (d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- 6.
 - (a) That Schedule "A" of Site Plan Central By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding to it the subject lands regarding Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-Thru in conjunction with the existing Harvey's at 620 King Street West; and,
 - (b) That the City Solicitor be directed to prepare the By-law for Council's execution.
- 7.
 - A. That the City of Hamilton call upon the Provincial Government to leave in place the Rent Control Act, the Rental Housing Protection Act and the Landlord and Tenant Act.
 - B. But should the Province find it necessary to change the aforementioned pieces of legislation that the Minister of Municipal Affairs and Housing be advised that:
 - (a) the City of Hamilton request that the Rent Control components of the proposed Tenant Protection Package not be enacted until such time that amendments be undertaken to ensure:
 - (i) an increase in the production of private affordable rental units; and,

- (ii) a reduction in the amount of bureaucracy, red tape and confusion associated with the establishment of three separate rent control mechanisms (existing system, negotiated system for new tenants and no regulation for new buildings); and,
 - (iii) potential tenants are protected from discrimination during the negotiation period (eg. race, sex, income, etc.); and,
 - (b) more detailed consultation with municipal building officials across Ontario is required in regard to the proposed legislative changes on property standards and maintenance; and,
 - (c) the local municipality retain control of condominium conversions. If the Province is to proceed, the following additional requirements should be included:
 - (i) a period of not less than 2 years be given for extended tenure for existing tenants in condominium conversion proposals; and,
 - (ii) a majority of the existing tenants must support the condominium conversion; and,
 - (iii) the local vacancy rate be at a minimum of 2% as established by CMHC; and,
 - (d) any legislative changes affecting care homes should be done with due diligence recognizing the vulnerability of the tenants in these homes and further consultation with providers, tenants and agencies; and,
 - (e) that a copy of this report be forwarded to the Minister of Municipal Affairs and Housing to assist in the review of Tenant Protection Legislative changes.
8. That the Building Commissioner be authorized to issue a partial demolition permit for 33 Clifford Street only for the demolition of the new construction beyond the allowable building envelope in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9. That the Building Commissioner be authorized to issue a demolition permit for 73 Holmes Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
10. That Item 3 of the Twelfth Report of the Planning and Development Committee as adopted by City Council at its meeting held 1996 July 9, be amended as follows:

- (a) That item (a)(ix) be amended by replacing the number 3 with the number 4.
 - (b) That the By-law amending Land Drainage By-law No. 80-245 as attached hereto and marked as Appendix "G" be enacted.
11. (a) That the City of Hamilton acquire the CNR land known as parcels 40708 and 40835, that abut Ferguson Avenue between Barton Street East and the CN rail line, at a total estimated cost of \$4,000 which includes fifty percent (50%) of the cost for the environmental reports on the properties, as well as one hundred percent (100%) of CNR's legal fees; and,
- (b) That the \$4,000. cost be charged to the Central Beasley Account Number CF 5698 429102003; and,
- (c) That the Property Department be directed to undertake the necessary steps to acquire the land.
12. That the City agree to the request of the Hamilton Harbour Commissioners to have the OMB hearing scheduled to commence November 17th, for a 2 week period, adjourned until 1997, with a date to be set satisfactory to all parties.
13. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended:
- (a) 336 East Avenue North
 - (b) 338 East Avenue North
 - (c) 150 Potruff Road North
 - (d) 150 Ivon Avenue
14. That City Council deny a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
15. That City Council deny a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
16. That City Council enact an Appointment By-law attached hereto and marked as Appendix "H" to authorize the appointment of Inspectors pursuant to The Ontario Building Code Act.

- (b) That the Building Commissioner and the Director of Planning and Development Department be authorized and directed to refund application fees for any official plan amendment, zoning application, site plan application, Committee of Adjustment application, building permit, demolition permit, zoning/property report and inspection fee if a building permit is issued for the property by 1999 September 1, for the area bounded by Hunter Street, Cannon Street, Queen Street, and Victoria Avenue; and,
 - (c) That the Planning and Development Department be directed to undertake a City Initiative to eliminate required parking for residential development in the area defined as Area "A" on Schedule "I" of By-law 6593 and reduce to 0.5 spaces for each Class "A" dwelling unit in the Area defined as Area "B" on Schedule "I" of By-law No. 6593 attached hereto and marked as Appendix "J" for a 3 year period.
20. That a Heritage Permit be approved for the following additions and alterations to the designated building at 10 John Street South, the former Dominion Public Building now the new Hamilton Courthouse, based on the Courthouse model pictured in schematic design, Vol.1, 1993 May; drawings prepared by Norr Partnership Limited Architects Engineers (dated 1995 May, 1995 September 13, 1995 October 24, 1995 November 6, 9, 10, 13 and 20 and 1996 May 10); and, the revised drawings attached hereto and marked as Appendix "K", "L" and "M":
- (a) Exterior
 - (i) Addition of upper storeys: glazed penthouse and precast concrete mechanical housing coloured to match existing limestone; and,
 - (ii) New Courthouse addition on Main Street facade; and,
 - (iii) Upper steel windows either replaced to match the appearance of the original (1936) windows, or insulated; and,
 - (iv) Exterior first and second storey windows: replace glass with clear thermal panes and install new bronze glazing stops on interior; and,
 - (v) Stone lintels: reattach where necessary by drilling and attaching new stainless steel anchorage and finish joints with matching mortar; and,
 - (vi) New bronze and glass doors, on north, south and east elevations.
 - (b) Interior

- (i) Removal of marble wall and brass wickets in the heritage lobby beneath the world mosaic to allow for a new corridor opening linking the old and new buildings; and,
 - (ii) Materials recovered from the new corridor opening will be reinstalled to close off the existing former Philatelic Centre opening, The new opening will be framed with bronze recovered from the "Philatelic Centre" opening; and,
 - (iii) The existing opening between the heritage lobby and the proposed waiting room (former location of post office boxes) will be screened by a glass partition incorporating a bronze grille frieze.
21. That the firm of Weir and Foulds be retained to represent all the defendants in the action brought by Mark Cole in the Statement of Claim, Court File No. 96-CU-108847, subject to a review of any potential conflict that may arise and subject to comments by the excess insurers.
22. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-40 By-law to Amend By-law No. 95-167 to Regulate the Proceedings of the Municipal Council and Committees of the City of Hamilton.
 - (b) C-41 By-law to Amend Zoning By-law No. 6593 Respecting Residential Development Requirements in the "I" (Central Business District, etc.) District.
 - (c) C-42 By-law to Amend By-law No. 80-245 Respecting Land Drainage.
 - (d) C-43 By-law to Consolidate By-law No. 92-094, and Amendments Thereto Respecting the Appointment of Inspectors.
 - (e) C-44 By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 18 Homewood Avenue.

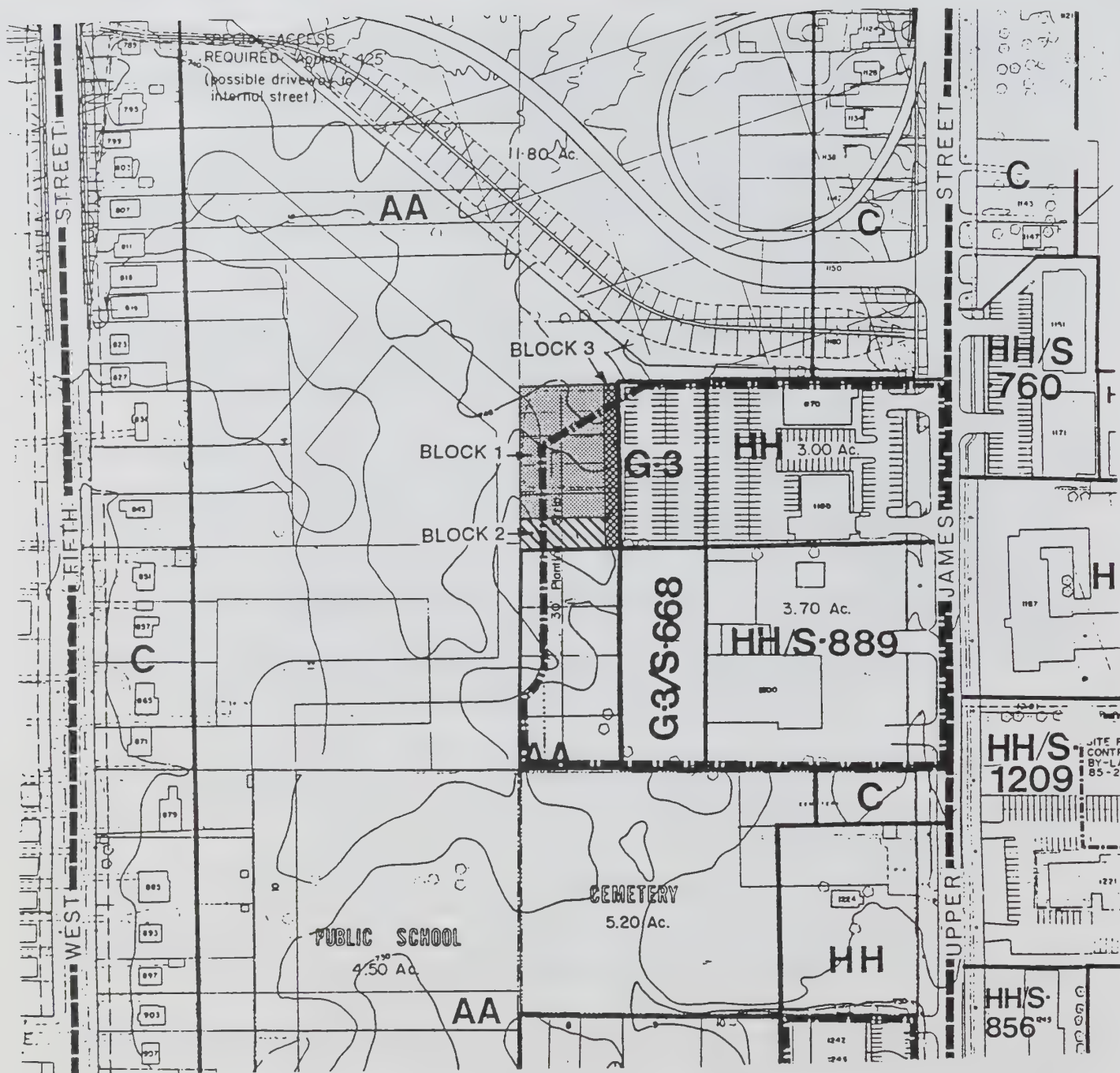
Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 August 21**

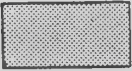


1996 August 27

Appendix "A" referred to in Section 1 of the THIRTEENTH Report of the Planning and Development Committee for 1996.



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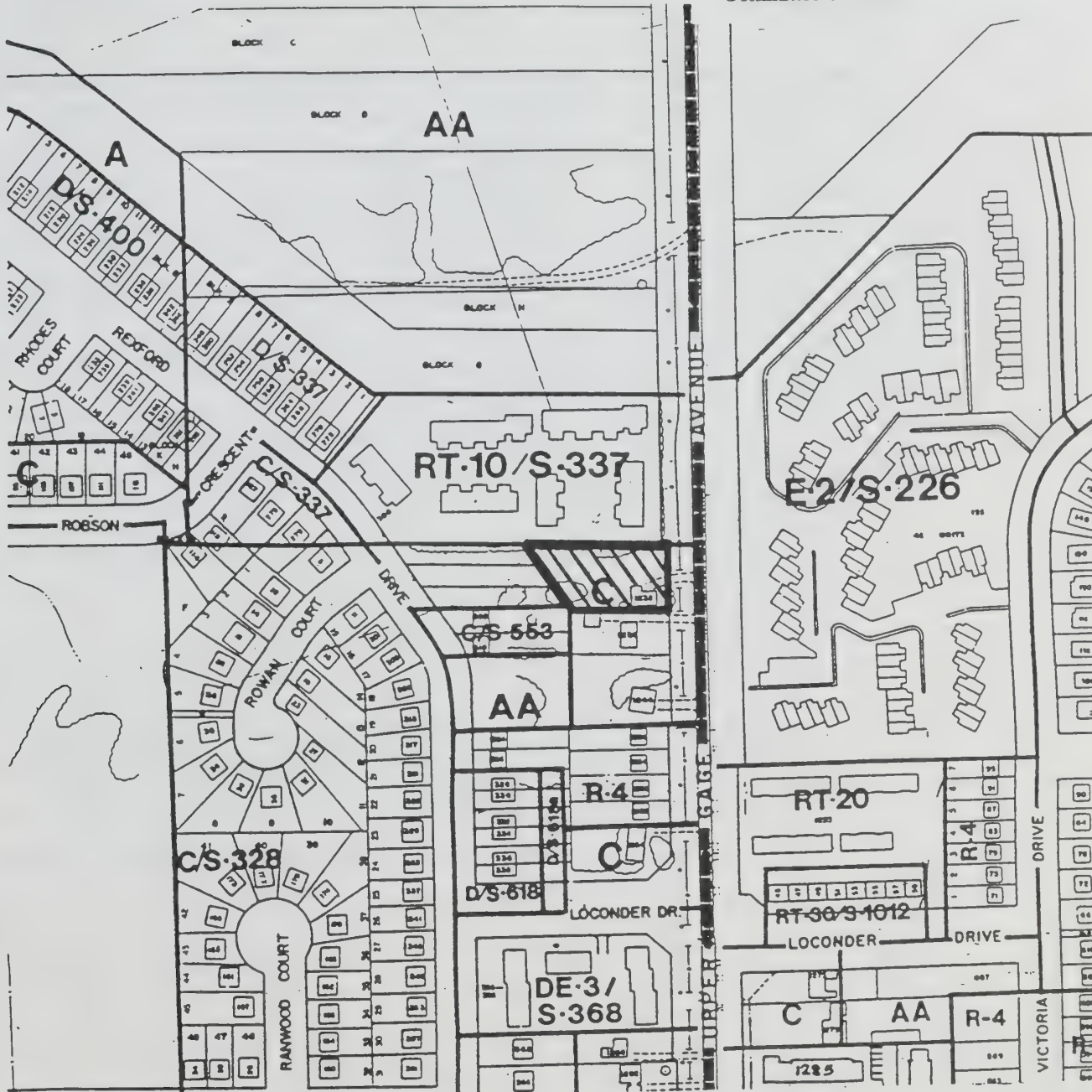
Proposed change in zoning from:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "AA" (Agricultural) District, to "C"-H"
(Urban Protected Residential, etc. - Holding) District. |
| BLOCK 2 |  | "AA" (Agricultural) District, to "C"-H"
(Urban Protected Residential, etc. - Holding) District, Modified. |
| BLOCK 3 |  | "AA" (Agricultural) District, to "C"-H"
(Urban Protected Residential, etc. - Holding) District, Modified. |


ZAC-95-01

1996 August 27

Appendix "B" referred
to in Section 2 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996.



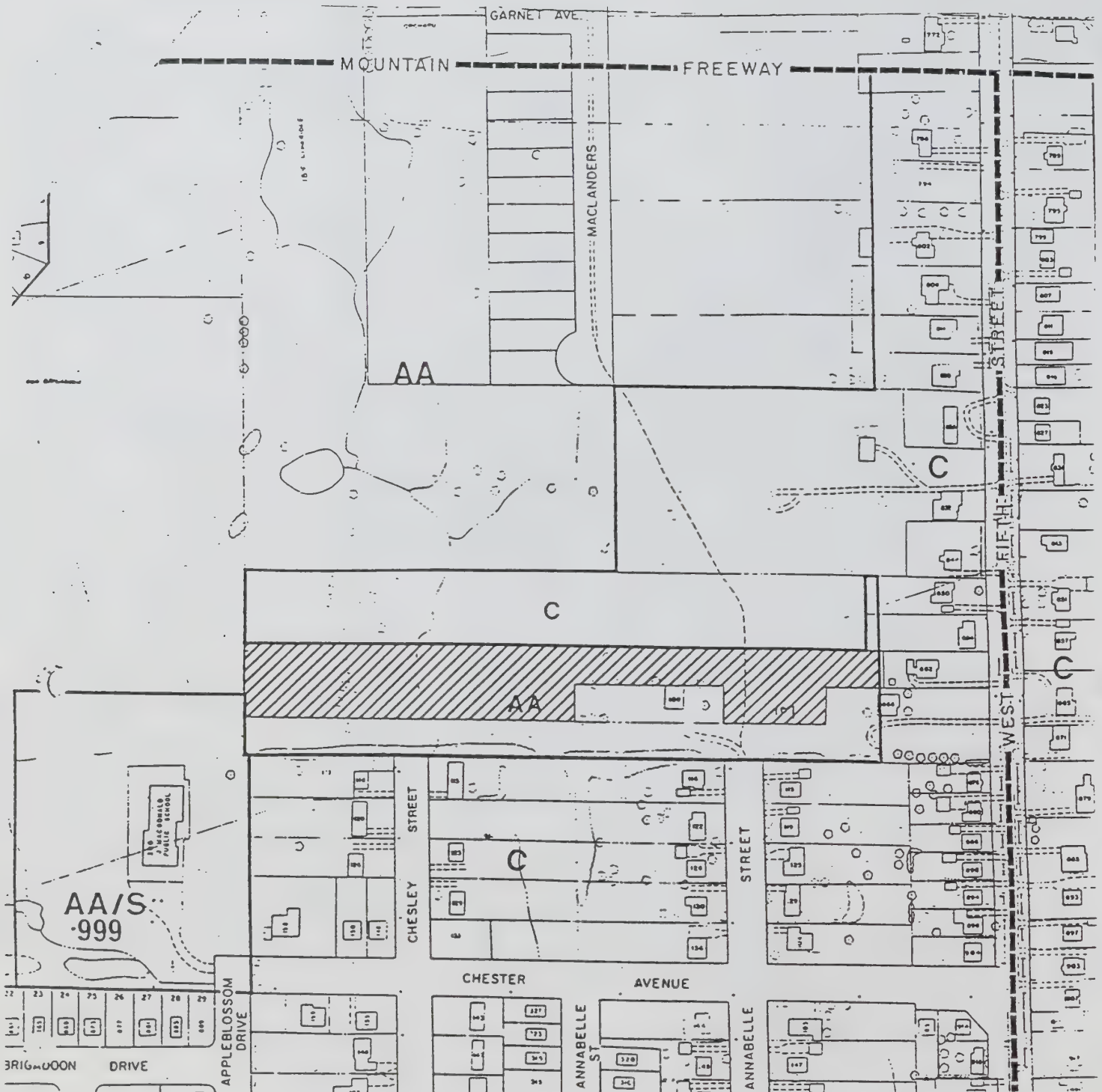
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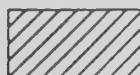
Site of the Application

1996 August 27

Appendix "C" referred
to in Section 3
THIRTEENTH Report of the
Planning and Development
Committee for 1996



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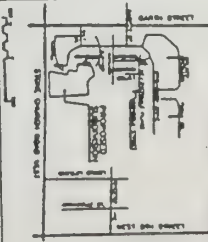


Site of the Application


ZAC-95-04

SCENARIO	UNIT	MB / AC
USDA & BUREAU OF LAND MANAGEMENT	37	2.33 / 0.23
PURVIEW DEVELOPMENT		
ROAD 10.13		0.14 / 0.14
ROAD 11.12		1.04 / 2.37
ROAD 12.13		0.04 / 0.02
TOTAL	37	3.77 / 0.39

DRAFT PLAN OF
SUBDIVISION
PART OF LOT 18
CONCESSION 7
IN THE CROOKING TOWNSHIP OF SUTTON
COUNTY IN THE
CITY OF
HAMILTON
RECORDS DEPARTMENT OF
MUNICIPALITY OF
HAMILTON - 100 TOWN ST.



ADDITIONAL INFORMATION

AS REQUIRED UNDER SECTION 51(2) OF
THE PLANNING ACT, 1960

A AS SHOWN ON PLAN
B AS SHOWN ON PLAN
C AS SHOWN ON CADD
D AS SHOWN ON PLAN
E AS SHOWN ON PLAN
F AS SHOWN ON PLAN
G AS SHOWN ON PLAN
H VARIOUS, PVED. WATER AVAILABLE
I DAY LOAD
J AS SHOWN ON PLAN
K AS SHOWN ON PLAN
L AS SHOWN ON PLAN
M BE INITIAL

OWNERS AUTHORIZATION
BE HEREBY GRANTED AND PLAIN IN WRITING
FROM THE APPROVAL
ONTARIO REALTY CORPORATION
777 BAY STREET, 16TH FLOOR
TORONTO, ONTARIO M 5G 2E5

[Signature]
Authorized Agent
1606-1975-

SURETORS CERTIFICATE

I HEREBY CERTIFY THAT THE SIGNATURE OF THE UND TO BE SUREDOR AS SHOWN ON THIS PLAN AND BEEN RECORDED FOR ADVANTAGE UNDERS ARE SHOWN ACCURATELY AND CORRECTLY

-- J. E. L. -- J. E. L. --
J. E. L. -- J. E. L. --

Ontario
 NEW DRINK SERVICES
 100 and 101
 100 and 101

1996 August 27

Appendix "G" referred
to in Section 10 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996.

Bill No

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS Section 6 of By-law No. 80-245 was amended by By-laws No. 88-09, No. 88-207 and No. 93-123;

AND WHEREAS Council, on July 9, 1996, in adopting Section 3 of the 11th Report of the Planning and Development Committee authorized a further amendment to By-law No. 80-245;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

By-law No. 80-245, as amended, is amended by the addition of the following section:

- "6.A. (1) Despite Section 6, roof leaders may be discharged onto the ground surface where:
- (i) a site design, including a Storm Water Management Study, acceptable to the City Engineer is prepared by a Professional Engineer, and
 - (ii) the site design is approved by the City after June 25, 1996.
- (2) Where the City approves of a Storm Water Management Study for a development which indicates roof leaders may be discharged onto the ground surface, the recommendations in the study must be implemented by the owner of the land.
- (3) Where the roof leaders are not required to be connected to the storm sewer, the roof leaders shall discharge onto splash pads and then onto grassed or landscaped areas at least 0.6 metres from the building face.
- (4) The roof leaders shall not discharge directly onto a sidewalk or a driveway.
- (5) Where the roof leaders of a lot are not connected to storm sewer, the lot shall be sodded prior to the issuance of a lot grading certificate by the City.
- (6) Subject to the Land Titles Act and the Registry Act, the lot grading plan shall be registered on title to the land being developed.

1996 August 27

- (7) Where the Subdivision Agreement includes a Lot Grading Plan, the Subdivision Agreement shall not be discharged by the City.
- (8) The City Engineer shall include the Ward Aldermen in the review process for the implementation of the storm water management plan.
- (9) This section only applies to the developments containing four or more lots.

PASSED this day of 1996.

CITY CLERK

MAYOR

(1996) 11 R.P.D.C. 3, July 9

\\BYLAW\\DRAINAGE.6

1996 August 27

Appendix "H" referred
to in Section 16
THIRTEENTH Report of the
Planning and Development
Committee for 1996

Bi

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Consolidate

By-law No. 92-094, and amendments thereto

Respecting

THE APPOINTMENT OF INSPECTORS

WHEREAS Ontario Regulation 413/90 was made on 1990 July 27 and filed on 1990 July 30 in accordance with section 19 of the Building Code Act, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of Building Code Act provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act:

AND WHEREAS By-Law No. 78-211, passed on the 1978 July 25 and By-Law 81-224 passed on 1981 July 28, and By-Law 87-312, passed on 1987 November 10 and By-law 91-047 passed on 1991 March 12, and By-Law 92-094 passed on 1992 March 31, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments:

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211, 81-224, 87-312, 91-047 and 92-094 were enacted.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:
Leonard C. King, P. Eng.
- (b) The title of the chief building official shall be as follows:
Building Commissioner.
2. (a) The following person is appointed an Inspector:
Peter C. Lampman, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
Deputy Building Commissioner and
Director of Technical Services.
3. The person appointed Inspector under clause (a) of Section 2 is hereby appointed chief building official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an Inspector:
Wah-Keun Wong, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
Manager of Customer Services
5. (a) The following persons are each appointed an Inspector:
Larry W. Harvey
Donald J. Inglis
John A. Spolnik
- (b) The title of each of the Inspectors appointed under clause (a) shall be as follows:
Supervisor of Field Services.
6. The following persons are each appointed an Inspector:
- | | |
|----------------------|------------------|
| Brian Baxter | Joyanne Beckett |
| Sylvia Bishop | Sara Bradley |
| George Caetano | Alison Churchill |
| Doug Clark | Gary Daly |
| Jack Dorr | Ron Doucet |
| Nancy Rajher-Drapeau | William Dupont |
| Ken Edgar | Debbie Eyd |
| Frank Genovese | Peter Gobbo |
| Natalie Gould | Christine Hey |
| John Ivezic | Jan Janosik |
| Zoran Kristo | Steve Kuczerepa |
| Rick Kuipers | John Lane |
| Wing Lee | Marianne Lyon |
| Morris Marsalla | Erin McClintock |
| Glen McCrory | Monica Melnick |
| Bryan Moon | Michelle Oproiu |
| Susan Parker | Gene Penko |
| Frank Peter | Tom Redmond |
| George Robis | Michael Shepherd |
| Gail Stevenson | Douglas Tam |
| Steve Teal | John Thomas |
| Sandra Tucker | Michael Verboom |
| George Wong | |

7. By-Law No. 92-094 is hereby repealed.

PASSED this

day of

, 1996.

CITY CLERK

MAYOR

COMMENTS ON THE RECOMMENDATIONS OF
THE 1995 REGIONAL HOUSING STATEMENT UPDATE

Section A: Planning for Growth

- a) *That the Region investigate the use of full cost accounting with regard to the setting of residential development charges to promote compact urban development and to ensure that urban sprawl is not being subsidized;*

A number of research studies prepared for the Golden Commission examining the future of the Greater Toronto Area noted that the "cost" of new suburban development is not fully realized in development charges levied by municipalities. The use of "full cost accounting" would ensure that the complete costs associated with new suburban development are reflected in the actual development charge and are not born by the existing taxpayers within a community - in essence "user pay". Although it is clearly premature to comment on the appropriateness of this method of calculating development charges in the City of Hamilton, the recommendation of the RHSU is to "investigate" this method. At such time the research is complete, the City will be in better position to ascertain the implications of this concept. Accordingly, the recommendation can be supported.

- b) *That the Region be actively involved with the evaluation, and where appropriate the introduction, of alternative development standards (servicing requirements, road and right-of-way requirements, etc.) that could contribute to a more compact urban form and reduce municipal and housing costs;*

This recommendation can be supported. Many of the technical standards for new development that are presently in place should be reviewed to ascertain any possible inefficiencies that would reduce the cost of new development to both the City and the eventual home purchaser.

- c) *That the Region continue to monitor intraprovincial-migration patterns to ascertain the ongoing impact of population and employment growth in the GTA on Hamilton-Wentworth's housing markets, and to evaluate the impact of out-migration to Haldimand-Norfolk, Niagara, and Brant;*

This recommendation can be supported. Market knowledge of migration patterns is essential to determine potential demand for housing in future years.

- d) *That a housing target of 55% single and semi detached, 28% row, and 17% apartment units be adopted as a guideline for medium and long-range planning in the Region;*

Recent housing market activity in the City of Hamilton is generally consistent with the targets suggested by the Region. Over the six-year period 1990-1995, single and semi-detached housing units accounted for 47.2 percent of all dwelling units completed in the City of Hamilton. Row units accounted for 30.5 percent and apartment units accounted for 21.7 percent of all units completed.

However, this housing target fails to acknowledge the existing dwelling mix already in place within the area municipalities. Specifically, the City of Hamilton has shouldered the bulk of higher density housing constructed in Hamilton-Wentworth for the past several decades and Regional suggestions that this role continue is unacceptable. Accordingly, this recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- e) *That the Area Municipalities be encouraged to support the need for a variety and mix of housing in the Region by targeting not less than 40% of units in new construction as medium and high density (the mix of medium and high density is not prescribed);*

As of May, 1995, there were approximately 506.4 hectares of land available for residential development within the City of Hamilton, which would yield approximately 14,100 dwelling units. Of these 14,100 dwelling units, almost one-half (48.6 percent or 6,858 units) were designated for row and/or apartment uses. The City of Hamilton cannot dictate to the private marketplace the type of new housing units that "should" be built within the community. The important point is that within the City of Hamilton, an opportunity has been provided to the private marketplace to construct medium and high density dwelling forms. Moreover, the existing dwelling mix within the particular area municipality must be considered. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- f) *That the Area Municipalities be requested to require that new residential development (secondary/subdivision plans) have densities of at least 18 units per hectare (gross);*

As noted previously, the City of Hamilton cannot dictate to the marketplace the type of new housing units that "should" be built within the community. We recognize, of course, that having higher gross residential densities in new development is desirable but by "requiring" that all new residential development have a minimum density of 18 units per hectare, as the recommendation notes, is inflexible, unrealistic and unworkable. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- g) *That the Area Municipalities be requested to develop and carry out policies to implement Provincial and Regional policies regarding increased densities of new residential development, increased opportunities for intensification and infill, and opportunities for the development of affordable housing;*

Within the Region of Hamilton-Wentworth, the City of Hamilton has been second to none in terms of facilitating residential intensification opportunities and promoting lower cost "affordable" housing. In the late 1980's and early 1990's, the City undertook several detailed housing studies in response to Provincial policy initiatives which resulted in extensive changes to the Hamilton Official Plan and the Hamilton Zoning By-law.

It should be noted that the Provincial policies alluded to in the recommendation (The Comprehensive Set of Policy Statements) have since been repealed by the Provincial Government. Accordingly, this recommendation is redundant and should be deleted in light of policy changes made by the Provincial Government and the City's previous extensive work on this matter.

- h) That the City of Stoney Creek be requested to prepare an additional study prior to the year 2000 Regional Official Plan review that examines the availability of vacant residential land in the designated, pending, draft approved and registered categories, as well as the status of residentially-designated lands in the Heritage Green planning area and lands zoned for high-density uses north of the QEW.*

This recommendation is not applicable to the City of Hamilton.

Section B: Providing Housing for People with Low Incomes and Special Needs

- i) That the Region and Area Municipalities be requested to make significant efforts to convince the Province, the District Health Council, and other relevant organizations to initiate and sustain a planning process of their own that will co-ordinate the allocation of resources to the housing and housing-related health care and support services in Hamilton-Wentworth;*

This recommendation can be supported. Ensuring greater co-ordination among the various stakeholders will ensure cost effectiveness and greater resolve to address the housing and support needs of individuals and families in Hamilton-Wentworth.

- j) That the Area Municipalities be requested to co-operate to develop a strategy for developing a pool of expertise that can be used in initiating and co-ordinating community-based efforts to build or renovate housing for people with very low incomes or special needs. This resource could be developed in existing organizations such as the municipal non-profits or assembled from scratch in a new entity. The Area Municipalities should also consider entering into a partnership with other communities around the Golden Horseshoe to maintain a combined innovative housing non-profit resource group that could be financed in a cost-effective manner;*

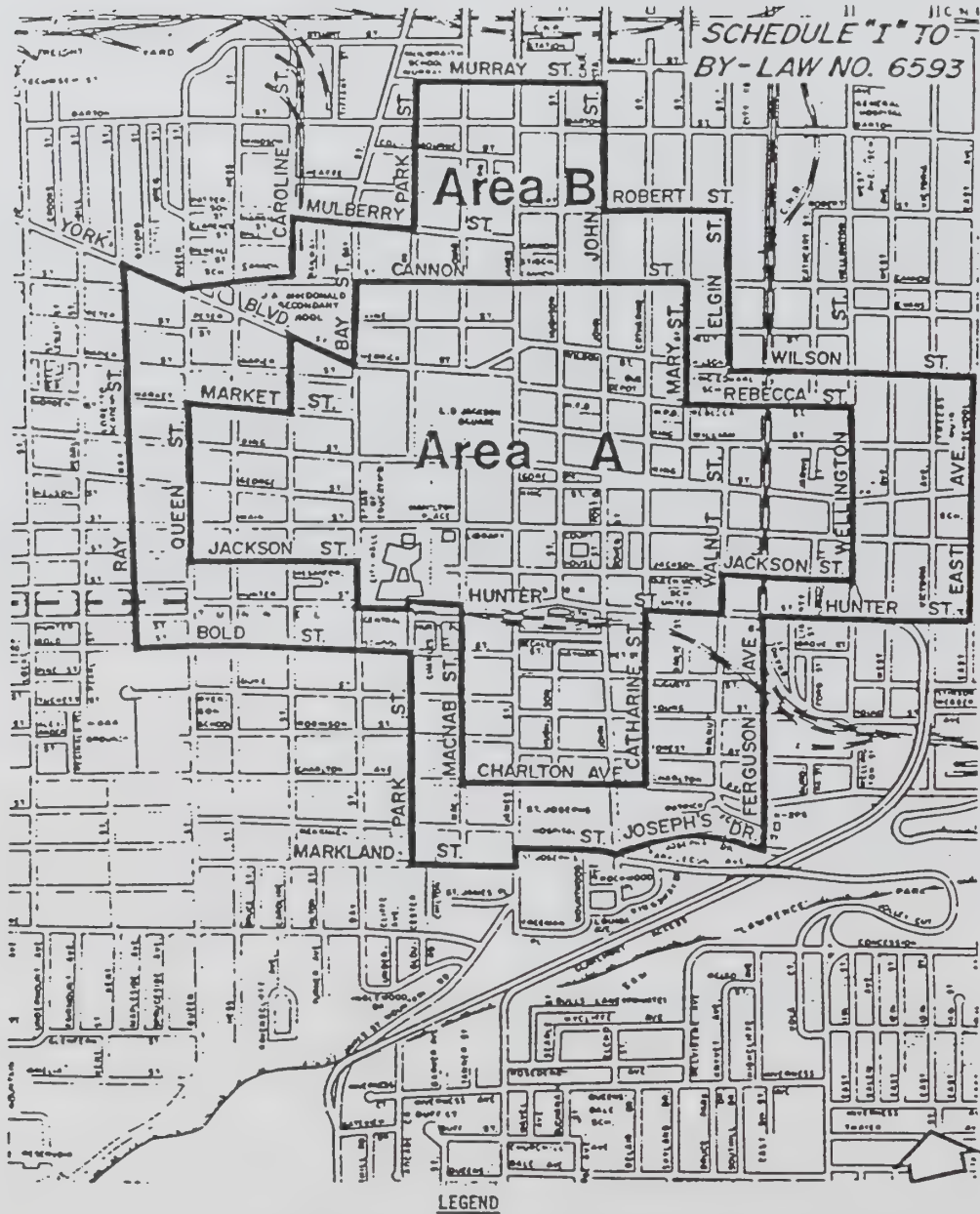
This recommendation can be supported. With recent cut-backs by both the Federal and Provincial Government to social housing funding, imaginative and creative local responses will be the hallmark of new not-for-profit housing initiatives in Hamilton-Wentworth. The City's Municipal Non-Profit Housing Corporation has shown leadership in this area and should be considered as a credible vehicle for implementing this recommendation.

- k) *That the Area Municipalities be requested to undertake a review of their existing zoning by-laws and identify and eliminate any restrictions on the development of supportive housing environments that are not justified by bona-fide planning considerations and significant public health or safety concerns (supportive housing can be defined as housing environments that allow people to live as independently as possible while still receiving certain types of health care, personal, or home-making services).*

Although City staff resources are limited, the objective of reviewing the Hamilton Zoning By-law to identify possible restrictions and impediments for supportive housing environments is a laudable. Other area municipalities within Hamilton-Wentworth should be made aware of the flexibility of Hamilton's Zoning By-law in terms of as-of-right provisions for supportive housing initiatives. This recommendation can be supported.

1996 August 27

Appendix "J" referred
to in Section 19
THIRTEENTH Report of the
Planning and Development
Committee for 1996.



— Delineates boundary of those areas in which parking for Commercial,
Public and Institutional uses are reduced or not required

Bill No. D-33

This is Schedule "A1" to By-law No. 63-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

E.A. Simpson
City Clerk

Mayor
Mayor

1996 August 27

Appendix "K" referred
to in Section 20 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996.

NORR

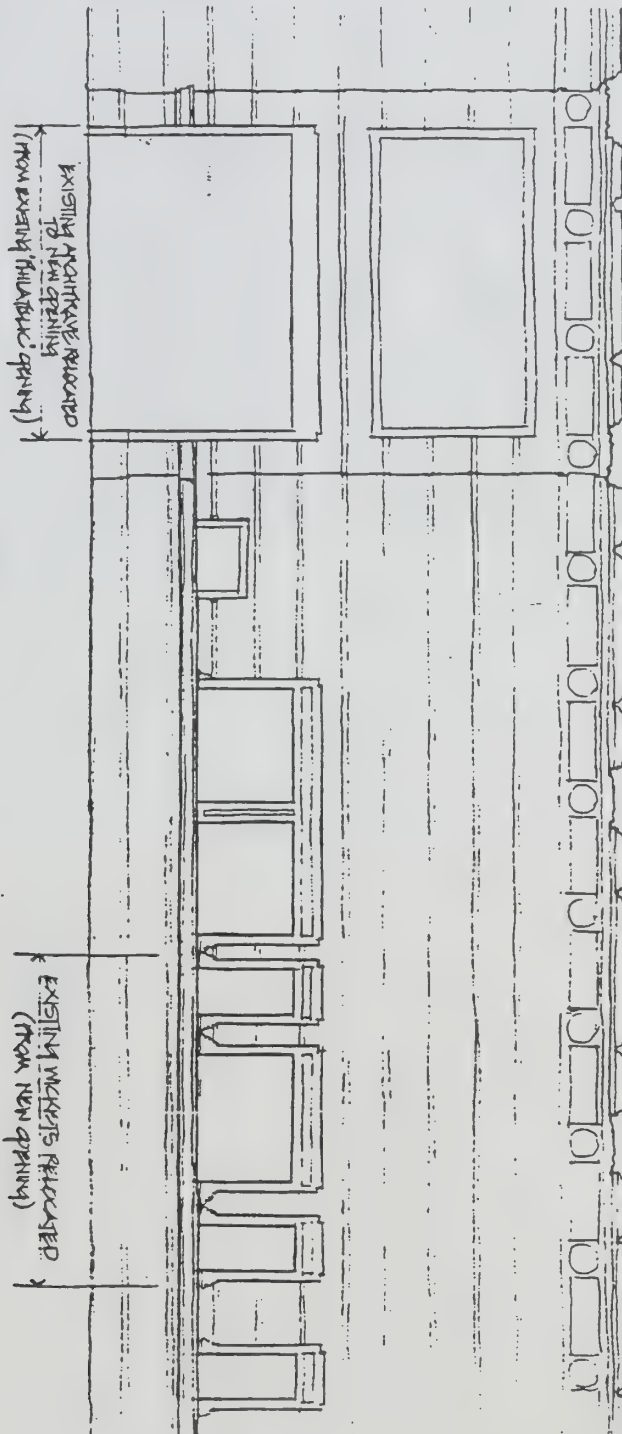
NORR Architects Limited
Architects Engineers
300 Adelaide Street East
Toronto, Ontario
M5H 1N2
Tel: 593-3356

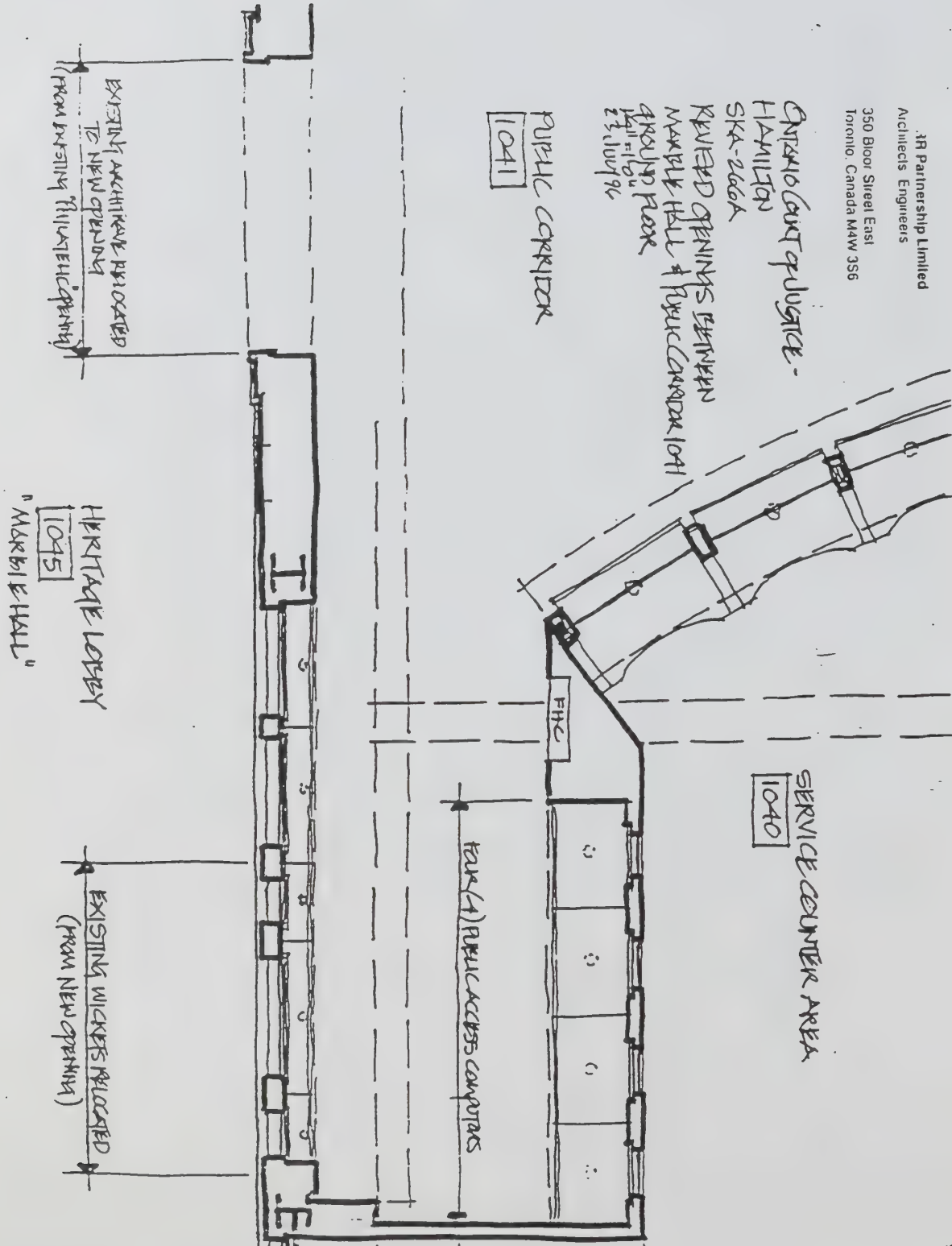
ONTARIO COURT OF JUSTICE - HAMILTON

PROPOSED OPENING TREATMENT IN WEST WALL OF
HERITAGE LOBBY 1045 "MARBLE HALL" - GROUND FLOOR

K1-11-01
29 JUL 1996

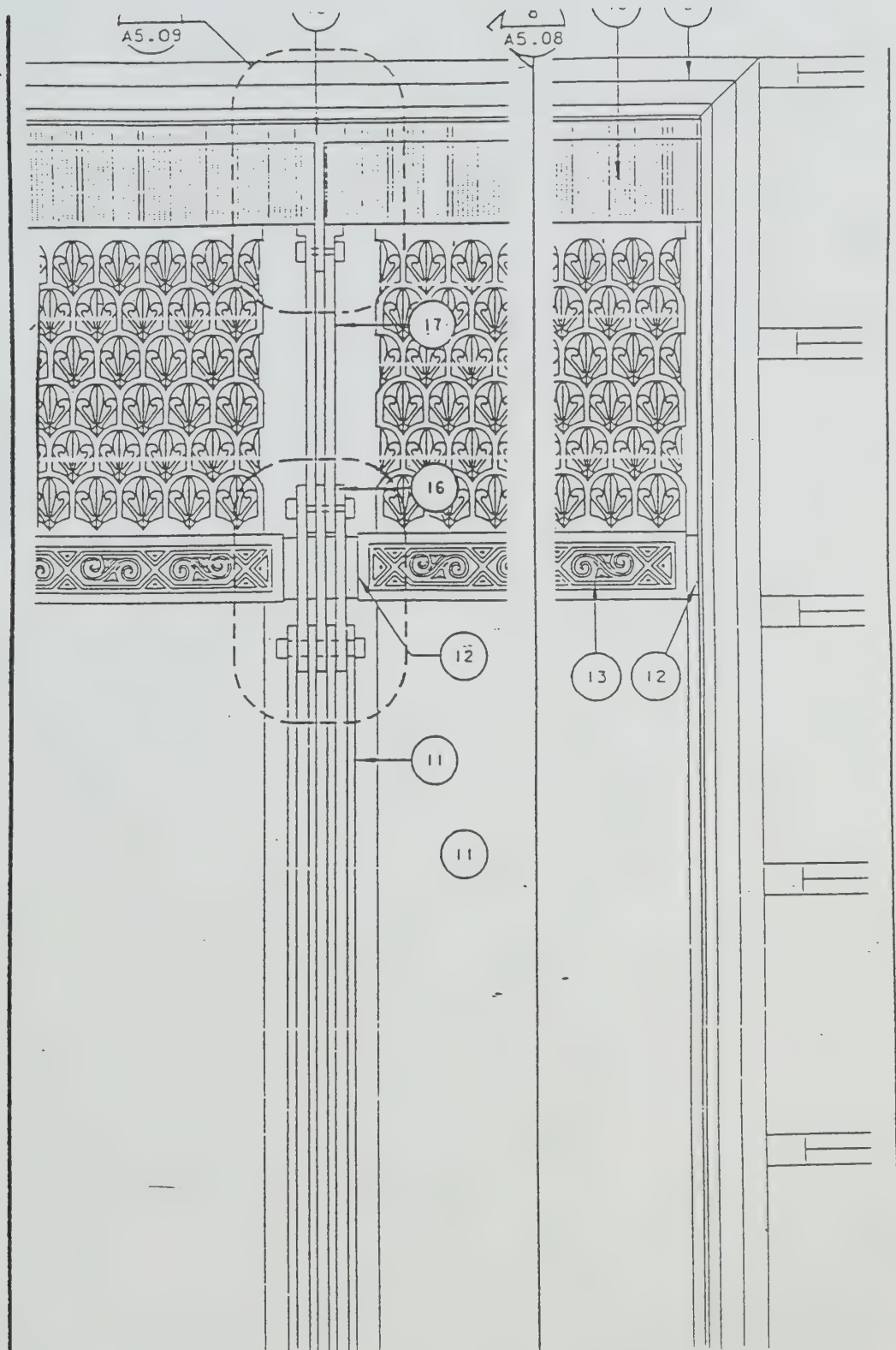
SKA-2660B





1996 August 27

Appendix "M" referred
to in Section 20 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996.



9'-6 1/2"

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. That the City accept the Hamilton and District Labour Council's offer to resolve the City's claim for costs of site preparation, clean up and site restoration arising out of the Labour Council's use of Dundurn Park and Bayfront Park on 1996 February 23rd and 24th for the Days of Protest Rallies, for a total payment of \$3,500.
2. That the City agree to indemnify the Public Works and Traffic Department employee, charged under the Occupational Health and Safety Act, by Summons Number 23586544, for legal fees incurred in the defence of said charge, provided that:
 - (a) There is an acquittal on the charges, or the charges are withdrawn; and,
 - (b) The City Solicitor is satisfied that the legal fees incurred are reasonable under all of the circumstances of the case.
3.
 - (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 3814/95 by the payment to the Plaintiff, Lucy Myszkowski, of the sum of \$1,500, inclusive of all damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Small Claims Court Action No. 3814/95 be dismissed without costs.

4. (a) That the City of Hamilton decline to accept an Offer to Settle dated 1996 March 25, in Ontario Court of Justice (General Division) Action No. 2006/93, made on behalf of Plaintiff Mary McEwen, which offer provides for:
 - (i) A payment of \$8,000 plus 5% interest from 1993 February 17, to the date of acceptance of the offer for damages; and,
 - (ii) A payment of \$992.41 plus 5% interest as above for OHIP costs; and,
 - (iii) Payment of the Plaintiffs costs on a party and party basis to be agreed or assessed; and,
- (b) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 2006/93 by a payment of \$12,500, including general and special damages, OHIP subrogation, interest, and costs, to the Plaintiff, Mary McEwen; and,
- (c) That the City of Hamilton obtain from Mary McEwen, a Release satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 2006/93 be dismissed as against the City of Hamilton without costs.
5. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 5454/96 by the payment to the Plaintiff, Francis Albert Johnson, of the sum of \$750, inclusive of all damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Small Claims Court Action No. 5454/96 be dismissed without costs.
6. That approval be given to the action of the City Clerk in authorizing the Hamilton-Wentworth Regional Police Community Auto-Theft Reduction Project to set up a display in the second floor foyer at City Hall on Monday, 1996 July 15 from 11:30 a.m. to 1:30 p.m. to provide information on auto-theft reduction.

7. That approval be given to the request of the Chinese Community to use the City Hall Forecourt and related equipment, together with first floor washroom access, from 1:00 to 3:00 p.m. on Sunday, 1996 September 22 for a fundraising Walkathon for the United Way.
8. That approval be given to the action taken by the City Clerk in authorizing Hamilton Sesquicentennial Celebrations Inc. to display a birthday ribbon and bow on the Council Chamber balcony from 1996 July 12 (Hamilton's birthday) until the end of 1996 (or until its condition becomes deteriorated).
9. That approval be given to the request of the Hamilton Status of Women Sub-Committee and the Hamilton Safety Council to use the City Hall Council Chambers, second floor foyer and second floor meetings rooms on Saturday, 1996 September 14 from 8:00 a.m. to 2:00 p.m. for the purposes of conducting a Safety Workshop and the use of the second floor foyer from 1996 September 11 - 14 to display safety-related exhibits.
10. That approval be given to the action taken by the City Clerk in authorizing the Canadian Cure Campaign to use the City Hall Forecourt and related equipment on Tuesday, 1996 August 13 from 12:00 noon to 1:00 p.m. for the purposes of holding a reception to welcome Christine Ichim who is in-line skating across Canada to raise funds for Leukemia Research.
11. That approval be given to the action taken by the City Clerk in authorizing the erection of a thermometer fundraising gauge, similar to the one used annually by the United Way, on the City Hall Forecourt for the purpose of showing funds raised for the Quebec Flood Relief Fund.
12. That approval be given to the action taken by the City Clerk in authorizing the erection of a reviewing stand on the City Hall Forecourt on Saturday, 1996 August 17 from 11:00 a.m. to 1:30 p.m. in conjunction with the Kaleidoscope Parade organized by the Hamilton Caribbean Canadian Community.

13. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

1485 Main East
90 Queen South
134 Ontario Avenue
1605 King East
60 Farmer Court
37 Huxley South
232 East 45th
20 Beland South
1396 Upper Ottawa #14
477 King East
322 Herkimer Street
162 Campbell Avenue

696 King East
220 Cannon East
27 William Street
344 Darlington Crescent
84 Royal Vista Drive
180 Queensdale East
64 Beechwood
479 King East
50 Weir South
-- 1 South Oval
300 Glennie Avenue
6 Lampton Place

- (b) That a by-law to authorize the said Extension Agreements be enacted by Council; and,
(c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

14. (a) That as referred to in Section 5 of the Eleventh Report for 1996 of the Parks and Recreation Committee, the City Treasurer be authorized to increase the gross cost of the project - Dundurn Castle Restoration Completion South and West Facades including Dovecote and Stables, Account Centre No. CF719441022 from \$2,726,000 to \$2,857,251 by \$131,251; and,
(b) That the increased cost of the above project in the amount of \$131,251 be financed as follows:

<u>Account Centre No.</u>	<u>Description</u>	<u>Financing</u>	<u>Amount</u>
CF719141002	Dundurn Castle Restoration	Reserve - Cap.Proj.	\$ 26,439
CF719141008	Dundurn Castle, Cockpit Theatre	Reserve - Cap.Proj.	22,806
CF719355010	Dundurn Castle Restoration Study	Reserve - Cap.Proj.	2,545
CH25213-00183	Dundurn Castle - Furnishing Restoration Trust	Trust Fund	26,641
CH25210-00183	Castle Restoration Trust	Trust Fund	14,771
CH25300-00213	Dundurn Castle Rental Trust	Trust Fund	5,565
CH25211-00183	Museum Acquisition Trust	Trust Fund	32,484
			<u>\$131,251</u>

(c) That the City Solicitor be authorized to revise By-law No. 94-095 to incorporate revised gross cost of the project noted in (a) above.

15. That a purchase order be issued to J.P. Hammill & Son Limited, Guelph, for the supply and delivery of Workers' Uniform Clothing as and when required during 1996/97 to Purchasing Stores, being the lowest acceptable of three tenders received, in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through Stores Inventory Account No. CH56103 28999, as follows:

Grey Trousers	\$13.75 Pr.
Short Sleeve Grey Shirts	13.60 Each
Long Sleeve Grey Shirts	15.45 "
Grey Uniform Jackets	29.95 "
Grey Crested Coveralls	29.95 "
Grey Overalls	28.95 "
Parkas	39.95 "
Bomber Jackets	39.90 "
Golf Shirts	13.95 "
Cadet Vests	25.95 " -
T-Shirts	8.50 "

All taxes extra

16. That the listing of Appointments to and Terminations from Permanent positions with the Corporation of the City of Hamilton to 1996 August 2, attached herewith and marked Appendix "A", be approved.

17. (a) That authorization be given to issue a Purchase Order in the amount of \$247,166.79 inclusive of G.S.T (\$16,169.79) to commission York International Limited of Mississauga, Ontario to supply and install all necessary labour and materials to complete a major overhaul and refrigerant conversion on the 4 -400 ton centrifugal chillers at Copps Coliseum as per the specifications issued by the Purchasing Division Ref:C14-11-96, this being the Original Equipment Manufacturer and only quotation received; and,

(b) That this expenditure be financed from the approved Capital Budget accounts CF 319651025 Copps - Overhaul Refrigeration/A.C. Equipment and CF 319641027 Convert Air Conditioning Equipment; and,

(c) That the Mayor and City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor.
18. (a) That approval be given to issue a purchase order in the amount of \$61,097, inclusive of G.S.T. (\$3,997), to commission Barton Glass Inc. of Hamilton, to replace the skylight at the Hamilton Farmers' Market., being the lowest price of two quotations received in accordance with the specifications (Ref: C14-10-96) issued by the Purchasing Division; and,

(b) That this expenditure be financed through account CF 319641023 Major Maintenance to Civic Buildings
19. That 179 Stirton Street be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049, for the purpose of selling the property.
20. (a) That funding in the amount of \$2,000 be approved towards the cost of the "Disapora to Jerusalem" Exhibit to be held at McMaster University from 1996 September 4 to November 10; and,

(b) That the City Treasurer recommend the method of financing this expenditure.
21. That the \$2,000 funding request to offset the cost of the Exhibit Diaspora to Jerusalem at McMaster University be financed as a Convention/Reception Grant account CH 5A050 20020.

22. That the Treasurer and the Commissioner of Human Resources be authorized to accept applications from eligible employees who wish to purchase season's tickets to the Hamilton Bulldogs Hockey Club, on a payroll deduction basis, provided:
 - (a) That repayment by the employee will be in equal instalments to be fully paid no later than the end of the applicable season; and,
 - (b) That any administrative costs associated with the Hamilton Bulldogs project will be recovered by the City by mutual agreement between the Treasurer and the Hamilton Bulldogs; and,
 - (c) That promotional material with respect to this offer may be forwarded to employees with their pay cheques/stubs on a timely basis.
23.
 - (a) That the City Treasurer and Commissioner of Human Resources be authorized to process employee requests for making donations to the Quebec Flood relief Fund through payroll deductions: and
 - (b) That the opportunity to make donations to the Quebec Flood Relief Fund through payroll deductions be communicated to employees.
24. That the 1995 Post Audit Letter containing recommendations and comments affecting the City's Accounting Systems, Procedures and Controls and subsequent Management Action be accepted.
25. That the analysis of the transactions of the City's Development Charges Reserve for the year 1995 entitled "Development Charge Reserve Fund Statement of Continuity for the period 1995 January 1 to 1995 December 31", attached herewith and marked Appendix "B", be received.
26.
 - (a) That the firm of MacGillivray Partners, Chartered Accountants, be continued as municipal auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1996 at a fee of \$109,950 including completion of the audit of the City's Financial Report, but excluding G.S.T.; and,

- (b) That the by-law respecting "To Appoint An External Auditor" be approved by City Council.

27. That the City Solicitor be authorized and directed to make application to the Ontario Municipal Board for approval to reallocate the excess debenture proceeds of \$892,565.96 from Hydro Street Lighting conversion program, Account Centre No. CF609243008 (O.M.B. No. E920430 dated 1992 June 26) to the following projects:

Transferred to:

<u>Description</u>	<u>Account Centre Number</u>	<u>O.M.B. No. & Date</u>	<u>City By-Law Number</u>	<u>Excess Debenture Proceeds</u>
Major Maintenance to Civic Buildings	CF 319441005	N/A	94-095	\$ 4,086.36
Major Maintenance to Civic Buildings	CF 319541001	N/A	95-090/95-227	9,126.00
Farmer's Market Replacement of Roof	CF 319441012	N/A	94-095	1,081.86
Scott Park Arena - Replacement of Roof	CF 319441008	N/A	94-095	1,376.99
Westmount & Mountain Arena - Boiler Replacement	CF 319441009	N/A	94-095	1,598.00
Copps Coliseum - Steam To Hot Water Conversion	CF 319441013	N/A	94-095	2,116.64
Parkdale Arena	CF 709441023	N/A	95-228	228,805.00
Inch Park Arena	CF 709441024	N/A	95-228	228,805.00
Ivor Wynne Stadium Improvements (Infrastructure)	CF 809453007	N/A	94-135	4,785.02
1994 Roads & Sidewalks Reconstruction Program - Local Roads	CF 529442001	N/A	-94-095	\$ 54,332.00
Waterfront Park Washrooms	CF 419454014	N/A	94-123	46,453.09
Enclave Clearance Program	CF 308750001	E 871041 09-Dec-87	88-32	<u>310,000.00</u> <u>\$892,565.96</u>

28. (a) That the "Unallocated MTO Subsidy", Account Centre No. 258742001, be closed and surplus funds in the amount of \$185,951.47, be transferred to the Reserve for Capital Projects CH 00203; and,
- (b) That the City Treasurer be authorized to transfer any surplus financing regarding MTO subsidy allocation from the Road Reconstruction Programmes, City's Share of Local Improvements, and Install/Modernize Traffic Signals projects to be credited to the Reserve for Capital Projects, as outlined in the Committee of the Whole Report dated 1996 January 26 in relation to the City's 1996-2005 Capital Budget Program.
29. That the staff complement of Legal Secretaries in the Law Department remain at seven, and the position of receptionist be deleted, effective 1996 July 1.
30. (a) That the financial contribution commitment of \$100,000 made by the City, in adopting Section 3 of the Eighth Report of the Finance Committee on 1988 April 26 to the Community Adolescent Network of Hamilton (the "Network"), for purchase of lands and the construction of a new facility for adolescent youth, be advanced to the Network on the following terms:
 - (i) The Network shall operate the facility now constructed at 131-137 Forest Avenue as a youth home facility and should it sell, transfer or otherwise dispose of the facility, the City shall be reimbursed a percentage of the contribution on the following basis:

(l)	to 1998 March 31	
	Amount to be reimbursed: \$100,000.00	2 years
	1998 April 1 to 2001 March 31	
	Amount to be reimbursed: \$90,000.00	3 years
	2001 April 1 to 2005 March 31	
	Amount to be reimbursed: \$75,000.00	4 years
	2005 April 1 to 2010 March 31	
	Amount to be reimbursed: \$50,000.00	5 years
	2010 April 1 to 2016 March 31	
	Amount to be reimbursed: \$20,000.00	6 years
	2016 March 31 and subsequent	
	Amount to be reimbursed: NIL	

- (ii) The contribution shall be secured by a first mortgage registered on title to the facility lands located at 131-137 Forest Avenue, Hamilton, in the amount of \$100,000 in favour of the Corporation of the City of Hamilton which shall be discharged on 2016 March 31; and,
 - (iii) The Network shall maintain all risks property loss insurance in a form acceptable to the City Solicitor naming the City as first loss payee to the amount of the conditional grant; and,
 - (iv) All taxes and other levies due and owing shall be paid as they fall due; and,
 - (v) The City commitment of \$100,000 shall be advanced in one payment upon registration of the mortgage and receipt of all required documentation; and,
 - (b) The solicitor for the Network shall prepare, register and provide all documentation required by and in a form acceptable to the City Solicitor; and,
 - (c) The Mayor and City Clerk shall be authorized to execute all documents required in connection herewith.
31. (a) That the City of Hamilton accept the Proposal submitted by Global Election Systems for the Rental of 150 Optical Scan Poll Level Tabulation Units for the City of Hamilton's 1997 Municipal Elections; and,
- (b) That the total cost of the Election System Rental not exceed \$135,000. plus applicable taxes (\$115,000 for the System rental, \$20,000 for Election supplies and services); and,
- (c) That the costs of the Election System Rental be funded as follows: \$100,000. from the City's Capital Projects Account, \$35,000, plus all applicable taxes from the Election Reserve Account; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute a Rental Agreement with Global Election Systems in a form satisfactory to the City Clerk and City Solicitor.
32. That approval be granted to authorize the destruction of City of Hamilton Tax Rolls from 1925 to 1990, as recommended by the report of the City's Records Review Committee.

33. (a) That approval be given to issue a purchase order in the amount of \$139,249.80 inclusive of a contingency (\$5,000) and G.S.T. (\$9,109.80) to commission Geonis Mechanical Limited of Stoney Creek, to replace the heating system and cooling system at Dundurn Castle, being the lowest price of three quotations received in accordance with the specifications (Ref: C14-13-96) issued by the Purchasing Division; and,
- (b) That this expenditure be financed through Account CF 319641028 Dundurn Castle Boiler System Renovations \$105,893, exclusive of G.S.T., and Account CF 319641023 Major Maintenance to Civic Buildings \$24,247, exclusive of G.S.T.
34. (a) That an Option to Purchase, executed by Andrew Richard Kay on 1996 July 8, and scheduled to close on or before 1996 September 30, for the lands situated in the City of Hamilton, being composed of Lots 428 and 429, Registered Plan 584, with a frontage of 15.24 metres (50.0 feet), more or less, by a depth of 30.48 metres (100.0 feet), more or less, municipally known as 571 Kenilworth Avenue North, be approved and completed for the purchase price of \$60,000; and,
- (b) That as consideration in the amount of \$2 has been paid to the owner pursuant to the Option to Purchase document, this amount be deducted from the purchase price; and,
- (c) That the Director of Property be authorized to proceed with the demolition of the existing single family dwelling at 571 Kenilworth Avenue North at a cost not to exceed \$10,000 once vacant possession has been received; and,
- (d) That the Finance and Administration Committee recommend the method of financing the purchase and demolition; and,
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.
35. That the City Treasurer be authorized to open a new Capital Project Account in relation to the acquisition and demolition of 571 Kenilworth Avenue North at an estimated amount of \$70,000 and that this project be financed from the Reserve for Capital Projects CH 00203.

NOTE: The above resolution was Lost on a Tie Vote at the Finance and Administration Committee, and at the Committee's direction is being referred to City Council for consideration.

36. That, after hearing the evidence and submission of the complaint from Hamilton Habitat for Humanity, the Council of the City of Hamilton hereby amends the development charges with respect to 607 Queen Victoria Drive, thereby reducing the City's Development Charges of \$1,565.44 to zero (0).
37. (a) That a grant of \$1,500 be made to the Hamilton Caribbean Canadian African Community to offset costs involved in staging the Kaleidoscope Cultural Festival which was held 1996 August 17 and 18; and,
- (b) That this expenditure be charged to Account Number CH 53199-20016 (Unallotted Grants).
38. That the following resolution be approved:

Whereas, occupational health and safety is a priority for the City of Hamilton; and,

Whereas, occupational injuries and illnesses impact on more than just the injured affected parties, but on the community as a whole; and,

Whereas, most occupational injuries and illnesses are preventable; and,

Whereas, the Hamilton clinic has achieved a high level of integration with the local health care system providing consultative services to area health care professionals, employers, unions and joint health and safety committees; and,

Whereas, the community of Hamilton has a long history of support and public activity to improve the work environment,

Now therefore, be it resolved that the City of Hamilton petition the Minister of Labour to continue to fully fund Occupational Health Clinics for Ontario Works.

39. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-48 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-49 A By-law respecting: Appointment of an External Auditor.
- (c) D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 August 20**

1996 August 27

Appendix "A" referred
to in Section 16 of the
FOURTEENTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. David Clark	I	Platoon Chief (C12)	Fire	Replacing Mr. G. Peace - resigned, May 13/96	\$72,764.50	June 23/96
Mr. Jim Flaherty	I	Lead Hand/Truck Driver (D17)	Public Works	Replacing Mr. R. Morris - promoted, May 06/96	\$37,146.72	June 03/96
Ms. Karen Knox	I	Traffic Administrative Clerk (10E)	Traffic	Replacing Ms. C. Alletto - terminated, June 06/96	\$28,868.84 to \$31,684.12	July 15/96
Mr. Frank Lalli	I	Traffic Signal Specialist (18B)	Traffic	Replacing Mr. J. Moyer - retired, December 30/94	\$36,699.21 to \$42,554.79	June 24/96
Mr. Michael McGaw	I	District Chief (C11)	Fire	Replacing Mr. D. Clark - promoted, June 23/96	\$66,992.60	June 23/96

Prepared August 2, 1996

Status -
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Dennis Phillips	I	District Chief (C11)	Fire	Replacing Mr. G. Desjarlais - promoted December 13/95	\$66,992.60	June 23/96
Mr. Terry Rinaldo	I	Tractor Operator (D12)	Public Works	Replacing Mr. J. Flaherty - promoted, June 03/96	\$35,322.56	July 01/96
Mr. Robert Woodfine	I	Traffic Signal Specialist (18B)	Traffic	Replacing Mr. J. Kupina - retired, December 20/94	\$36,699.20 to \$42,554.79	June 24/96

Prepared August 2, 1996

Status	-
Internal	- I
External	- E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Mary Howarth	Secretary	H.E.C.F.I.	Deceased	16 years, 4 months	June 18/96
Mr. Andy Sloggett	Gardener II	Public Works	Terminated	18 years, 11 months	June 24/96
Mr. David Smith	General Foreman/Woman	Culture & Recreation	Resigned	1 year, 1 month	June 14/96

Prepared August 2, 1996

Glossary of Terms

Terminated – long term disability
– discharge

Resigned – personal betterment
– personal reasons

1996 August 27

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1995 to December 31, 1995

	Total \$	Indoor Recreation \$	Outdoor Recreation \$	Library Buildings & Materials \$	Traffic Signals \$	Parkland Acquisition \$	Vehicles & Equipment \$	Studies \$	Engineering (area specific) \$	Storm Water Retention \$	Fire Stations \$
Balance as at Jan 01, 1995	6,030,634	1,742,844	951,621	659,888	87,718	0	0	0	1,718,889	0	869,674
Development charges received or receivable	823,914	219,798	138,364	86,002	13,657	20,586	5,379	108	221,692	0	118,328
Development charges refunded	0	0	0	0	0	0	0	0	0	0	0
Interest earned	411,356	119,648	66,999	45,555	5,650	1,873	489	10	114,959	0	56,173
	7,265,904	2,082,290	1,156,984	791,445	107,025	22,459	5,868	118	2,055,540	0	1,044,175
Transferred to the capital fund	(15,000)	0	0	0	(15,000)	0	0	0	0	0	0
Amounts allocated:											
1) Services Through Unsubsidized Lands	(1,718,889)	0	0	0	0	0	0	0	(1,718,889)	0	0
2) Reduction of current debentures	(600,000)	(175,972)	(96,083)	(66,628)	(8,212)	0	0	0	(169,862)	0	(83,243)
Balance as at December 31, 1995	4,932,015	1,906,318	1,060,901	724,817	83,813	22,459	5,868	118	166,789	0	960,932

Appendix "B" referred
to in Section 25 of the
FOURTEENTH Report of
the Finance and
Administration
Committee for 1996.

1996 August 27

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SECOND** Report for 1996 and respectfully recommends:

1. That the Cab Licence application of James Brophy, 1088½ Barton Street East, Apt. 3, Hamilton, be denied; and,
2. That the Cab Driver Licence of David Elliott, 333 Britannia Avenue, Hamilton, be suspended for a one week period to commence 1996 August 27.

Confidential background information provided to members of City Council under separate cover.

Respectfully submitted

**ALDERMAN D. WILSON
CHAIRMAN
HAMILTON LICENSING COMMITTEE**

**Stella Glover
Secretary**

1996 August 10

1996 August 27

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIFTH** Report for 1996 and respectfully recommends:

1. That Alderman be appointed Chairman of the Committee of the Whole for the period of September, October and November, 1996.

RESPECTFULLY SUBMITTED

**ACTING MAYOR H. MERLING
CHAIRMAN,
NOMINATING COMMITTEE**

S. G. Hollowell, Secretary
1996 August 27

SGH/dg

1996 August 27

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **FIFTH** Report for 1996 and respectfully recommends:

1.

RESPECTFULLY SUBMITTED

ACTING MAYOR H. MERLING, CHAIRMAN
COMMITTEE OF THE WHOLE

S. G. Hollowell, Secretary
1996 August 27

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 AUGUST 27
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 25 (Parking Time Limits) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Hess	East	Bold to Hunter	1 hr	8 am - 8 am (24 hrs)	Mon - Sat
Simcoe	South	Bay to MacNab	3 hr	8 am - 8 am (24 hrs)	Mon - Sun
Hunter	South	Locke to Pearl	1 hr	8 am - 8 am (24 hrs)	Mon - Sun
Depew	West	Beach to Gertrude	1 hr	8 am - 8 am (24 hrs)	Mon - Sun
West 32nd	Both	Bendamere to Elmwood	1 hr	8 am - 6 pm	Mon - Fri
Stanley	North	Dundurn to Linwood	3 hr	8 am - 6 pm	Mon - Fri
Stanley	South	459 feet west of Dundurn to Linwood	3 hr	8 am - 6 pm	Mon - Fri."

and by deleting therefrom the following items, namely:-

"Depew	West	Beach Rd to Gertrude	3 hr	8 am - 8 pm	Mon - Fri
Stanley	North	Dundurn to Linwood	3 hr	8 am - 6 pm	Mon - Sat
Stanley	South	450' West of Dundurn to Linwood	3 hr	8 am - 6 pm	Mon - Sat."

2. Schedule 26 (No Parking Areas) of said By-law is hereby amended by adding thereto the following items, namely:-

"Country Club	East	Capilano to Greenhill	Anytime
Dana	East	Norrie to 72 feet northerly	Anytime
Norrie	North	Dana to 80 feet easterly	Anytime
Berkindale	East	Roxborough to 118 feet southerly	Anytime
Tom	South	Dundurn to Breadalbane	Anytime
Tom	North	Breadalbane to west end	Anytime."

and by deleting therefrom the following items, namely:-

"East	East	from a point 84 feet north of Robert to a point 22 feet northerly therefrom	8 am - 6 pm	Mon - Sun
Stanley	South	Dundurn to 450' West	Anytime	
Tom	North	Dundurn to West End	Anytime."	

3. Schedule 27 (Alternate Side Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Stanley Avenue Queen to Dundurn	South	North
Stanley Avenue Linwood to 459 feet west of Dundurn	South	
Stanley Avenue Linwood to 410 feet west of Dundurn		North."

and by deleting therefrom the following items, namely:-

"Country Club Capilano to Greenhill	East	West
Stanley Avenue Queen Street to Linwood Avenue	South	North."

4. Schedule 34 (Sticker Permit Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Grosvenor	East	commencing 398 feet south of Barton and extending 20 feet southerly therefrom	Anytime
Simcoe	North	Bay to MacNab	Anytime
Fairfield	West	commencing 391 feet south of Britannia and extending 17 feet southerly therefrom	Anytime
Fairfield	East	commencing 375 feet south of Britannia and extending 17 feet southerly therefrom	Anytime
Fairfield	West	commencing 225 feet south of Vansitmart and extending 20 feet southerly therefrom	Anytime
Fairfield	West	commencing 263 feet south of Britannia and extending 20 feet southerly therefrom	Anytime
Fairfield	East	commencing 343 feet south of Britannia and extending 18 feet southerly therefrom	Anytime

Ferguson	West	commencing 116 feet north of Macaule and extending 23 feet northerly therefrom	Anytime
Norway	West	commencing 24 feet north of Cumberland and extending 20 feet northerly therefrom	Anytime
Tom	North	commencing 194 feet west of Dundurn and extending 21 feet westerly therefrom	Anytime
Tragina	East	commencing 475 feet south of Barton and extending 16 feet southerly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

Grosvenor	East	commencing at a point 389 feet south of Barton to a point 29 southerly therefrom	Anytime
Simcoe	Both	Bay to MacNab	Anytime."

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

**TO ALTER JOHN STREET NORTH BY
NARROWING THE ROADWAY**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS the portion of highway known as John Street North is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 29 of the 9th Report of the Transport and Environment Committee on June 25, 1996, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter John Street North as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out to a portion of John Street North for the purpose of narrowing the roadway from 8.6 m between a point approximately 50 m north of the north curb line of Burlington Street to approximately 13 m northerly, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of , 1996.

CITY CLERK

MAYOR

(1996) 9 R.T.E.C. 29, June 25

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 95-167

**TO REGULATE THE PROCEEDINGS OF THE MUNICIPAL COUNCIL
AND COMMITTEES OF THE CITY OF HAMILTON**

WHEREAS the City Procedural By-law No. 95-167 was enacted by the Council of The Corporation of the City of Hamilton on August 29, 1995 to establish the procedures of the Committees and Council of the City of Hamilton;

AND WHEREAS Section 42 of By-law No. 95-167 lists the duties of the Planning and Development Committee;

AND WHEREAS Council, on June 25, 1996, in adopting Section 9 of the 10th Report of the Planning and Development Committee delegated the Planning and Development Committee to hear applications for subdivision approval under the Planning Act, R.S.O., Chapter P.13;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 42 of By-law No. 95-167 is repealed and replaced with the following:

"42. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Planning and Development Committee shall be:

To report and/or recommend to City Council on all matters relating to new developments in Lloyd D. Jackson Square, all matters pertaining to the use of land, the physical development of the City of Hamilton, and all matters under the Planning Act, as amended and any other Act that may affect land use planning and the local planning functions. The Planning and Development Committee is hereby delegated authority to hold public hearings regarding zoning and applications for subdivision approval in the place and stead of Council and also to make decisions regarding site plan control."

PASSED this

day of

1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**RESIDENTIAL DEVELOPMENT REQUIREMENTS
IN THE "I" (CENTRAL BUSINESS DISTRICT, ETC.) DISTRICT**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 4 of the 10th Report of the Planning and Development Committee at its meeting held on the 25th day of June 1996, recommended that By-law No. 6593 be amended to provide for a general text amendment with respect to residential development requirements in the "I" (Central Business District, etc.) District, as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 15.(4)(iii) of Zoning By-law No. 6593 is amended by deleting the words "or of at least 65.0 square metres (699.68 square feet) per dwelling unit, whichever is the greater, and" in the third, fourth and fifth lines thereof.

2. Section 15.(5) of Zoning By-law No. 6593 is hereby renumbered as Section 15.(5a).

3. Section 15 of Zoning By-law No. 6593 is amended by adding thereto subsection (5b), as follows:

"15.(5b) Notwithstanding subsection (5a), for multiple dwelling(s) the maximum gross floor area shall not be more than 2.85 times the area of the lot upon which it is situate."

4. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1996

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS Section 6 of By-law No. 80-245 was amended by By-laws No. 88-09, No. 88-207 and No. 93-123;

AND WHEREAS Council, on July 9, 1996, in adopting Section 3 of the 12th Report of the Planning and Development Committee authorized a further amendment to By-law No. 80-245;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

By-law No. 80-245, as amended, is amended by the addition of the following section:

- "6.A. (1) Despite Section 6, roof leaders may be discharged onto the ground surface where:
- (i) a site design, including a Storm Water Management Study, acceptable to the City Engineer is prepared by a Professional Engineer, and
 - (ii) the site design is approved by the City after June 25, 1996.
- (2) Where the City approves of a Storm Water Management Study for a development which indicates roof leaders may be discharged onto the ground surface, the recommendations in the study must be implemented by the owner of the land.
- (3) Where the roof leaders are not required to be connected to the storm sewer, the roof leaders shall discharge onto splash pads and then onto grassed or landscaped areas at least 0.6 metres from the building face.
- (4) The roof leaders shall not discharge directly onto a sidewalk or a driveway.
- (5) Where the roof leaders of a lot are not connected to the storm sewer, the lot shall be sodded prior to the issuance of a lot grading certificate.
- (6) Subject to the Land Titles Act and the Registry Act, the lot grading plan shall be registered on title to the land being developed.

- (7) Where the Subdivision Agreement includes a Lot Grading Plan, the Subdivision Agreement shall not be discharged by the City.
- (8) The City Engineer shall include the Ward Aldermen in the review process for the implementation of the storm water management plan.
- (9) This section only applies to the developments containing four or more lots.

PASSED this

day of

1996.

CITY CLERK

MAYOR

(1996) 12 R.P.D.C. 3, July 9

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Consolidate

By-law No. 92-094, and amendments thereto

Respecting

THE APPOINTMENT OF INSPECTORS

WHEREAS Ontario Regulation 413/90 was made on 1990 July 27 and filed on 1990 July 30 in accordance with section 19 of the Building Code Act, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of Building Code Act provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act:

AND WHEREAS By-Law No. 78-211, passed on the 1978 July 25 and By-Law 81-224 passed on 1981 July 28, and By-Law 87-312, passed on 1987 November 10 and By-law 91-047 passed on 1991 March 12, and By-Law 92-094 passed on 1992 March 31, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments:

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211, 81-224, 87-312, 91-047 and 92-094 were enacted.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:
Leonard C. King, P. Eng.
- (b) The title of the chief building official shall be as follows:
Building Commissioner.
2. (a) The following person is appointed an Inspector:
Peter C. Lampman, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
Deputy Building Commissioner and
Director of Technical Services.
3. The person appointed Inspector under clause (a) of Section 2 is hereby appointed chief building official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an Inspector:
- Wah-Keun Wong, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
- Manager of Customer Services
5. (a) The following persons are each appointed an Inspector:
- Larry W. Harvey
- Donald J. Inglis
- John A. Spolnik
- (b) The title of each of the Inspectors appointed under clause (a) shall be as follows:
- Supervisor of Field Services.
6. The following persons are each appointed an Inspector:
- | | |
|----------------------|------------------|
| Brian Baxter | Joyanne Beckett |
| Sylvia Bishop | Sara Bradley |
| George Caetano | Alison Churchill |
| Doug Clark | Gary Daly |
| Jack Dorr | Ron Doucet |
| Nancy Rajher-Drapeau | William Dupont |
| Ken Edgar | Debbie Eydt |
| Frank Genovese | Peter Gobbo |
| Natalie Gould | Christine Hey |
| John Ivezić | Jan Janosik |
| Zoran Kristo | Steve Kuczerepa |
| Rick Kuipers | John Lane |
| Wing Lee | Marianne Lyon |
| Morris Marsalla | Erin McClintock |
| Glen McCrory | Monica Melnick |
| Bryan Moon | Michelle Oproiu |
| Susan Parker | Gene Penko |
| Frank Peter | Tom Redmond |
| George Robis | Michael Shepherd |
| Gail Stevenson | Douglas Tam |
| Steve Teal | John Thomas |
| Sandra Tucker | Michael Verboom |
| George Wong | |

7. By-Law No. 92-094 is hereby repealed.

PASSED this _____ day of _____, 1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 18 HOMEWOOD AVENUE

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-14 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D" - "H" (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, the land,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands referred to in section 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10.(1) of Zoning By-law No. 6593, the existing building may be used as a multiple dwelling containing not more than four (4) Class "A" dwelling units, subject to the Residential Conversion Requirements of Section 19;
- (b) notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, a landscaped planting strip having a minimum width of 1.5 m (5.0 ft) shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscaped planting strip, except for the area occupied by the existing garage.

3. (a) The 'H' symbol referred to in section 1 shall be removed conditional upon the applicant applying for and receiving approval for a Site Plan Control Application for the required parking layout, grading, and landscaping;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the land referred to in section 1 may at such time proceed in accordance with the "D" District provisions, subject to the special requirements referred to in section 2 of this by-law.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 2.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1362.

6. Sheet No. W-14 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1362.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

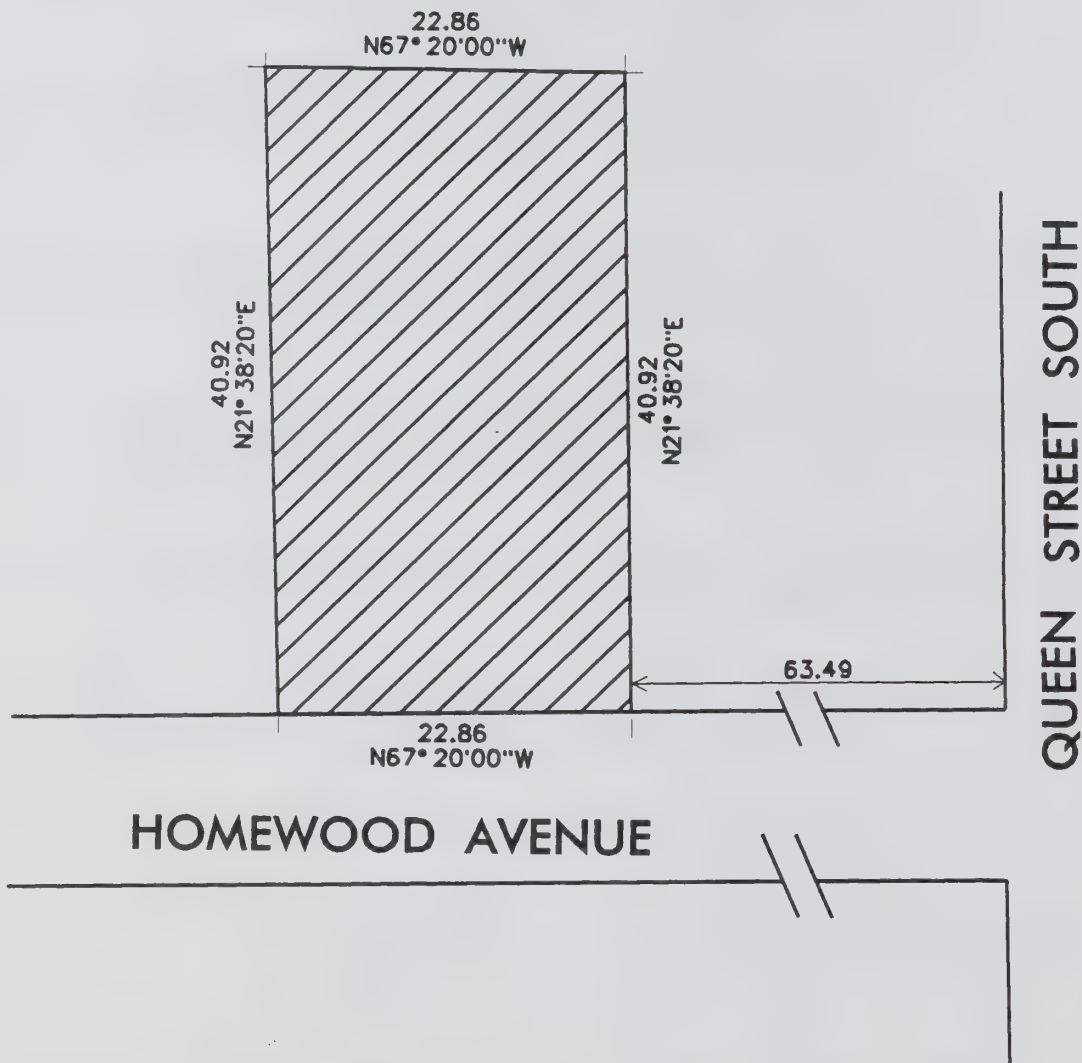
day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 10 R.P.D.C. 2, June 25
George Lima, Owner
ZAR-96-04



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton Schedule "A"

Map Forming Part of
By-Law No. 96-____
to Amend By-Law No. 6593

Planning and Development Department

14

Legend

Change in Zoning :



From "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D" - "H" (Urban Protected Residential - One and two Family Dwellings, etc. - Holding) District - Modified

North



Scale
NOT TO SCALE

Date
August 1996

Reference File No.
ZAR-96-04

Drawn By
D. L.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.96-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

H)	PROPERTY ADDRESS	344 DARLINGTON CRT
	SERIAL NUMBER	08 10220 0044
	BRIEF LEGAL DESCRIPTION	PLAN M253 LOT 16
	DATE OF REGISTRATION	OCTOBER 17, 1995
	INST # OF TAX ARREARS CERTIFICATE	LT391236
	REDEMPTION DATE	OCTOBER 17, 1996
	TOTAL ARREARS	\$15,049.01
I)	PROPERTY ADDRESS	60 FARMER CRT
	SERIAL NUMBER	08 10710 6821
	BRIEF LEGAL DESCRIPTION	PLAN M108 LOT 18
	DATE OF REGISTRATION	OCTOBER 17, 1995
	INST # OF TAX ARREARS CERTIFICATE	LT391233
	REDEMPTION DATE	OCTOBER 17, 1996
	TOTAL ARREARS	\$15,816.73
J)	PROPERTY ADDRESS	84 ROYAL VISTA DR
	SERIAL NUMBER	06 07310 1044
	BRIEF LEGAL DESCRIPTION	PLAN 62M605 lot 11
	DATE OF REGISTRATION	OCTOBER 17, 1995
	INST # OF TAX ARREARS CERTIFICATE	LT391234
	REDEMPTION DATE	OCTOBER 17, 1996
	TOTAL ARREARS	\$12,779.99
K)	PROPERTY ADDRESS	37 HUXLEY SOUTH
	SERIAL NUMBER	04 03060 3610
	BRIEF LEGAL DESCRIPTION	PLAN 512 PT LOT 122
	DATE OF REGISTRATION	OCTOBER 20, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM219749
	REDEMPTION DATE	OCTOBER 20, 1996
	TOTAL ARREARS	\$12,790.47
L)	PROPERTY ADDRESS	180 QUEENSDALE EAST
	SERIAL NUMBER	08 09040 1000
	BRIEF LEGAL DESCRIPTION	PLAN 495 LOT 113
	DATE OF REGISTRATION	OCTOBER 20, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM219750
	REDEMPTION DATE	OCTOBER 20, 1996
	TOTAL ARREARS	\$13,951.54
M)	PROPERTY ADDRESS	232 EAST 45TH ST
	SERIAL NUMBER	06 06040 1440
	BRIEF LEGAL DESCRIPTION	PLAN 972 LOT 109 PT LOT 108
	DATE OF REGISTRATION	OCTOBER 27, 1995
	INST # OF TAX ARREARS CERTIFICATE	LT392118
	REDEMPTION DATE	OCTOBER 27, 1996
	TOTAL ARREARS	\$12,104.89
N)	PROPERTY ADDRESS	64 BEECHWOOD
	SERIAL NUMBER	03 02650 6090
	BRIEF LEGAL DESCRIPTION	PLAN 375 LOT 35
	DATE OF REGISTRATION	OCTOBER 27, 1996
	INST # OF TAX ARREARS CERTIFICATE	VM220174
	REDEMPTION DATE	OCTOBER 27, 1996
	TOTAL ARREARS	\$9,807.20

O)	PROPERTY ADDRESS	20 BELAND SOUTH
	SERIAL NUMBER	05 04110 6360
	BRIEF LEGAL DESCRIPTION	PLAN 556 LOTS 65,66
	DATE OF REGISTRATION	OCTOBER 31, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220408
	REDEMPTION DATE	OCTOBER 31, 1996
	TOTAL ARREARS	\$12,497.84
P)	PROPERTY ADDRESS	479 KING EAST
	SERIAL NUMBER	03 02120 1060
	BRIEF LEGAL DESCRIPTION	PLAN 99 PT LOT 1
	DATE OF REGISTRATION	OCTOBER 31, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220409
	REDEMPTION DATE	OCTOBER 31, 1996
	TOTAL ARREARS	\$61,489.55
Q)	PROPERTY ADDRESS	1396 UPPER OTTAWA #14
	SERIAL NUMBER	06 07020 6014
	BRIEF LEGAL DESCRIPTION	WC PLAN 62 UNIT 14 LEVEL 1
	DATE OF REGISTRATION	OCTOBER 26, 1995
	INST # OF TAX ARREARS CERTIFICATE	LT391823
	REDEMPTION DATE	OCTOBER 26, 1996
	TOTAL ARREARS	\$7,399.08
R)	PROPERTY ADDRESS	50 WEIR SOUTH
	SERIAL NUMBER	04 03430 5240
	BRIEF LEGAL DESCRIPTION	PLAN 543 LOT 34
	DATE OF REGISTRATION	OCTOBER 26, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220003
	REDEMPTION DATE	OCTOBER 26, 1996
	TOTAL ARREARS	\$11,284.35
S)	PROPERTY ADDRESS	477 KING EAST
	SERIAL NUMBER	03 02120 1150
	BRIEF LEGAL DESCRIPTION	PLAN 233 LOTS 2-4
	DATE OF REGISTRATION	NOVEMBER 7, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220882
	REDEMPTION DATE	NOVEMBER 7, 1996
	TOTAL ARREARS	\$176,227.98
T)	PROPERTY ADDRESS	1 SOUTH OVAL
	SERIAL NUMBER	01 00530 5650
	BRIEF LEGAL DESCRIPTION	PLAN 649 PT LOTS 1801 & 1802
	DATE OF REGISTRATION	NOVEMBER 7, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220881
	REDEMPTION DATE	NOVEMBER 7, 1996
	TOTAL ARREARS	\$13,898.47
U)	PROPERTY ADDRESS	322 HERKIMER ST
	SERIAL NUMBER	01 00925 1540
	BRIEF LEGAL DESCRIPTION	PLAN 253 BLK D PT LT 188
	DATE OF REGISTRATION	NOVEMBER 7, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220883
	REDEMPTION DATE	NOVEMBER 7, 1996
	TOTAL ARREARS	\$10,917.07

V)	PROPERTY ADDRESS	300 GLENNIE AVE
	SERIAL NUMBER	05 03850 5140
	BRIEF LEGAL DESCRIPTION	PLAN 742 LOT 105
	DATE OF REGISTRATION	NOVEMBER 7, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220879
	REDEMPTION DATE	NOVEMBER 7, 1996
	TOTAL ARREARS	\$10,168.66
W)	PROPERTY ADDRESS	162 CAMPBELL AVE
	SERIAL NUMBER	04 03140 7780
	BRIEF LEGAL DESCRIPTION	PLAN 395 BLK J PT LT 31
	DATE OF REGISTRATION	NOVEMBER 7, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM220884
	REDEMPTION DATE	NOVEMBER 7, 1996
	TOTAL ARREARS	\$10,147.36
X)	PROPERTY ADDRESS	6 LAMPTON PL
	SERIAL NUMBER	05 04010 4630
	BRIEF LEGAL DESCRIPTION	PLAN 933 LOT 2
	DATE OF REGISTRATION	NOVEMBER 11, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM221125
	REDEMPTION DATE	NOVEMBER 11, 1996
	TOTAL ARREARS	\$14,184.89

The Corporation of the City of Hamilton

BY-LAW NO. 96-

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 18th Report of the Finance Committee on October 8, 1991 appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor;

AND WHEREAS the Council of The Corporation of the City of Hamilton on , in adopting Item of the Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1996;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1996.
2. The firm of MacGillivray Partners shall also complete the 1996 Financial Report for The Corporation of the City of Hamilton.
3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, The Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.
4. The fee payable to the auditor shall be \$109,950 for 1996. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this day of , 1996.

City Clerk

Mayor

BY-LAW NO. 96 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF AUGUST A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of August A.D. 1996

ACTING CITY CLERK

ACTING MAYOR

URBAN\MUNICIPAL
CAY ON HBL AOS
A31
1996



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 September 24
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

SEP 25 1996

J. J. Schatz, City Clerk

A G E N D A

1. National Anthem.

GOVERNMENT DOCUMENTS

2. Opening Prayer: Bishop Caston C. Johnson
Pastor of The Church of God of Prophecy

3. Presentations:

- A) Ray Harris to present a cheque to Mayor Morrow on behalf of the Downtown B.I.A. for the Fountain Foundation.
- B) Plaque to Mayor Morrow from the United Council of Veterans - Jack McFarland on behalf of Sir. John A. MacDonald School (Staff and Students)
- C) Certificate of Recognition - Tony McNulty, Former President of 504 Retiring from Canadian Auto Workers
- D) Team Ontario Football/Canada Cup - National Sesquicentennial Gold Pins

John Chrysler	Scott Moreton
Mike Yacusiw	Mike McCarthy
Paul Fleming	Brent Barlow
Ray Thomas	Jacob Marini
Mark Ferris	

Doug Trimble - Head Coach
Kevin Harrison - Assistant Coach
Mike King - Assistant Coach
Dan Brannigan - General Manager
Andrew Trimnble - Ball Boy

- 4. Adoption of the minutes of the meeting held 1996 August 27**
- 5. Correspondence\Petitions**

6. *Reports of the Standing Committees:*

- (a) *Transport and Environment Committee*
- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*

7. *Notice of Motion from previous meeting - Mayor Morrow (June 25 meeting)*

8. *Notices of Motion for next meeting.*

9. *Question Period.*

10. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
Tuesday, August 27, 1996
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross.

Absent: Mayor Morrow - vacation

Acting Mayor Merling called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Major Garnett Cassell, Salvation Army Family Services led Council in prayer.

<p>PRESENTATIONS</p>

Valerie Cranmer, President of the Ontario Professional Planners Institute, presented the Communication Award for "City View...Hamilton's Plan for Tomorrow" to Acting Mayor Henry Merling and Victor Abraham, Director of Planning and Development Department.

* * * * *

Acting Mayor Merling presented to Elsie Burns a Certificate for Senior of the Year - Sackville Community Centre.

* * * * *

Acting Mayor Merling presented plaques to the following participants who participated in the 1996 International Children's Games in Sopron, Hungary in Track and Field and Swimming: Peter Self - Coach, Louise Gallant, Eric Morrison, Adam Chambers, Alex Dobranowski, Tiffany Cowling, Tom Bereza, Dawn Bond - Coach, Lukas Nantais, Erin Dermody, Julia Berglund, Darryl Chandler.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 July 9 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1996 July 17 from Tricia George, Deputy Clerk, Town of Flamborough respecting Expansion of Region of Hamilton-Wentworth Urban Transit Area.

Received.

2. Letter dated 1996 July 17 from James Brophy, 1088 1/2 Barton Street East, Hamilton, Ontario L8H 2V1.

Received.

3. Letter dated 1996 August 9 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-125 respecting the Westdale North Neighbourhood (Monster Homes).

Received.

4. Letter dated 1996 July 30 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-109 respecting the Westdale South Neighbourhood (Monster Homes).

Received.

5. Application dated 1996 July 24 from the City of Hamilton , Applicant Edward Lorne Richter, c/o 350 Parkdale Avenue North, Hamilton, Ontario for a modification to the "A" (Conservation, Open Space, Park and Recreation) District for 244 Lake Avenue North, Hamilton, Ontario

Received.

6. Application dated 1996 August 16 from Alfrin Enterprises Corporation, 554 Rymal Road West, Hamilton, Ontario for a further modification to the "C" (Urban Protected Residential, etc.) District for 73 Garfield Avenue South, Hamilton, Ontario

Received.

7. Facsimile dated 1996 August 26 from Ken S. Rosart, Rosart Properties Inc. respecting the demolition of 1187 and 1193 West 5th Street, Hamilton, Ontario. These items are also referenced in Sections 14 and 15 of the Thirteenth Report of the Planning and Development Committees Report.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, the Nominating Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT

Section 34 Re: School Crossing Guards at pedestrian priority signal locations

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Ross. -15

NAYS: Alderman D'Amico. -1.

CARRIED.

* * * * *

Section 35(d) Re: Parking enforcement at special events

It was moved by Alderman Eisenberger and seconded by Alderman Ross that sub-section (d) of Section 35 of the Eleventh Report for 1996 of the Transport and Environment Committee be referred back.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Drury, Eisenberger, D'Amico, Ross. -6

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Morelli, Copps, Wilson, Collins, Jackson. -8. **LOST.**

* * * * *

Section 35(a) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Kiss, Caplan, McCulloch, Copps. -4.

CARRIED.

* * * * *

Section 35(b) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen McCulloch, Copps. -2.

CARRIED.

* * * * *

Section 35(d) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Anderson, D'Amico. -12.

NAYS: Aldermen Kiss, Caplan, Eisenberger, Ross. -4.

CARRIED.

* * * * *

Section 39 Re: Advertising benches on city road allowances - Hamilton Bench Advertising Limited

It was moved by Alderman Kiss and seconded by Alderman Caplan that Section 39 of the Eleventh Report for 1996 of the Transport and Environment Committee be referred back.

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - ELEVENTH REPORT</p>
--

Section 4 Re: Alcohol in Parks - Turner and Globe Parks

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, Ross. -15

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 6 Re: Business Plan for the Chedoke Winter Sports Park

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Eisenberger, Collins, Jackson, Anderson, D'Amico, Ross. -12

NAYS: Acting Mayor Merling, Aldermen Drury, Wilson, Charters. -4. **CARRIED.**

* * * * *

Section 10 Re: Discontinuance of naturalization program - Scenic Drive

It was moved by Alderman McCulloch and seconded by Acting Mayor Merling that Section 10 of the Eleventh Report of the Parks and Recreation Committee for 1996 be amended by adding sub-section "(b)" as follows:

(b) That the above noted three parks be cut this one time only.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Caplan, Drury, Morelli, Wilson, Charters, Anderson. -7.

NAYS: Aldermen Kiss, Agro, McCulloch, Copps, Eisenberger, Collins, Jackson, D'Amico, Ross. -9. **LOST.**

* * * * *

Section 10 Re: Discontinuance of naturalization program - Scenic Drive

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Jackson, D'Amico, Ross. -11.

NAYS: Acting Mayor Merling, Aldermen Copps, Wilson, Charters, Anderson. -5. **CARRIED.**

PARKS AND RECREATION COMMITTEE - TWELFTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 2 Re: Zoning Application 96-08, 712169 Ontario Ltd. (G. Malatesta)

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico, Ross. -14.

NAYS: Acting Mayor Merling, Aldermen Anderson. -2. **CARRIED.**

* * * * *

Section 9 Re: Demolition Permit for 33 Clifford Street

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Kiss, Caplan. -2. **CARRIED.**

* * * * *

Section 14 Re: Denial of Demolition Permit for 1187 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 14 of the Thirteenth Report for 1996 of the Planning and Development Committee be referred back. **CARRIED.**

* * * * *

Section 15 Re: Denial of Demolition Permit for 1193 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 15 of the Thirteenth Report for 1996 of the Planning and Development Committee be referred back. **CARRIED.**

* * * * *

Section 19 (b) Re: By-law 84-252 - allow land to be developed for residential purposes

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 19 (b) of the Thirteenth Report of the Planning and Development Committee for 1996 be amended by inserting after the word "fee" in the fifth line the words "...where such fee is paid after 1996 August 27."
CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Hamilton and District Labour Council's offer Re: City's claim

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Collins. -1.

CARRIED.

* * * * *

Section 34 Re: Option to Purchase - 571 Kenilworth Avenue North

It was moved by Alderman Caplan and seconded by Alderman Kiss that Section 34 of the Fourteenth Report for 1996 of the Finance and Administration Committee be referred back.

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7.

CARRIED.

* * * * *

Section 35 Re: Capital Project Account Authorization - 571 Kenilworth Avenue North

It was moved by Alderman Caplan and seconded by Alderman Kiss that Section 35 of the Fourteenth Report for 1996 of the Finance and Administration Committee be referred back.

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7. **CARRIED.**

* * * * *

Section 38 Re: Occupational Health and Safety Resolution

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico. -14.

NAYS: Alderman Anderson. -1. **CARRIED.**

* * * * *

Section 40 Re: Rule No. 9 - Use of Forecourt - Hispanic Fiesta

It was moved by Alderman Charters and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting approval of the use of the Forecourt for a Hispanic Fiesta. **CARRIED.**

* * * * *

Section 40 Re: Use of Forecourt - Hispanic Fiesta

It was moved by Alderman Charters and seconded by Alderman Collins that the Fourteenth Report of the Finance and Administration Committee for 1996 be amended by adding Section 40 as follows:

40. That approval be given to the request of the Hispanic Community to hold a Hispanic Fiesta on the City Hall Forecourt on Sunday, 1996 September 8 from noon until 3:00 p.m. **CARRIED.**

CITY OF HAMILTON LICENSING COMMITTEE - SECOND REPORT

NOMINATING COMMITTEE - FIFTH REPORT

COMMITTEE OF THE WHOLE - FIFTH REPORT

ACTING MAYOR FOR THE MONTH OF SEPTEMBER, 1996

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Anderson be appointed Acting Mayor for the month of September, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, the Nominating Committee, and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

1996 August 27

* * * * *

City Council then adjourned at 9:45 o'clock p.m.

* * * * *

Taken as read and approved.

ACTING MAYOR H. MERLING

S. G. Hollowell, Acting City Clerk
1996 August 27
SGH/dg

CORRESPONDENCE

Correspondence:

1. Copy of a letter dated 1996 September 3 from The Honourable Al Palladini, Minister of Transportation to Rose Caterini, City Clerk for the City of Stoney Creek respecting a resolution regarding the Region of Hamilton-Wentworth's Proposed Urban Transit Area Expansion.

Recommendation:

Be referred to the Transport and Environment Committee

2. Letter dated 1996 September 12 from the Hamilton Harbour Commissioners re: 1995 Annual Report.

Recommendation:

Be Received.

3. Letter dated 1996 August 28 from Mrs. Tricia George, Deputy Clerk, Town of Flamborough respecting Municipal Government Restructuring and Public Referendum.

Recommendation:

Be Received.



The City of Stoney Creek

September 3, 1996

The Honourable Al Palladini
Minister of Transportation
3rd Floor, Ferguson Block
77 Wellesley Street West
Toronto ON M7A 1Z8

Re: Resolution Respecting the Region of Hamilton-Wentworth's Proposed Urban Transit Area Expansion

The Council of the Corporation of the City of Stoney Creek, at its meeting held August 27, 1996, adopted Resolution No. 18 - 6, objecting to the Region of Hamilton-Wentworth's proposed Urban Transit Area Expansion. In addition, the City of Stoney Creek is seeking permission to establish its own transportation network.

Your consideration and support of this important matter will be appreciated.

A copy of said resolution is attached for your information.

for Rose Caterini, B. of Comm., AMCT
City Clerk

lb

Enclosures

Copy to:

Honourable Al Leach, Minister of Municipal Affairs and Housing
Ed Doyle, MPP-Wentworth East
Robert Prowse, Regional Clerk
Municipalities in the Hamilton-Wentworth Region

THE CORPORATION OF THE CITY OF STONEY CREEK

RESOLUTION No. 18-6

SESSION August 27, 1996

MOVED BY Councillor Maria Pearson

SECONDED BY Councillor John Santarelli

WHEREAS under the Regional Municipality of Hamilton-Wentworth Act the Region has exclusive authority to finance, operate and control public transit services under a designated Urban Transit Area Expansion, presently Hamilton boundaries, and

WHEREAS Regional Council has approved a proposal to expand the Region's Urban Transit Area Expansion to include outlying areas and to increase the costs to the municipality to 1.6 million dollars, and

WHEREAS the City of Stoney Creek does not support such expansion with no control by the municipality as currently exists, and

WHEREAS it has not been fully publicized to the public but it has been presented to committee that under the proposal there is a qualifier which could reduce service on any route which did not recover 30% of the marginal costs, and

WHEREAS City staff reviewed the proposal and advised that in essence the proposal would ultimately increase transit cost to those Stoney Creek ratepayers within the proposed Urban Transit Area Expansion by more than 100%, and

WHEREAS the current system allows the local council to decide what it can afford with due regard to the needs of the ratepayers based on available and projected ridership data, and

WHEREAS City staff reviewed the proposal and advised that in essence the proposal would ultimately increase transit cost to those Stoney Creek ratepayers within the proposed Urban Transit Area Expansion by more than 100%, and

NOW THEREFORE BE IT RESOLVED

The City of Stoney Creek pursuant to Sec. 38(2) of the Regional Municipality of Hamilton-Wentworth Act make representation to the Minister of Transportation to object to the proposed expansion and to seek permission to establish its own transportation network and further that this resolution of Council be forwarded to the Regional Clerk, the Clerks of the area municipalities, the Minister of Transportation, local MPP Ed Doyle, and Minister of Municipal Affairs.

Anne Bain
Mayor

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



September 12, 1996

2.

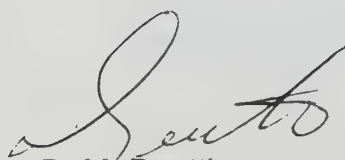
Mr. J. Schatz
City Clerk
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz,

Please find enclosed for your information a copy of our 1995 Annual Report.

If you have any questions or comments regarding this report, please call at your convenience.

Yours very truly,
THE HAMILTON HARBOUR COMMISSIONERS



D. M. Beattie
Chairman



Laurel Wilson
Commissioner



P. J. Dillon
Commissioner

DMB:ah
WP:J:AR.95

Enc.



TOWN OF FLAMBOROUGH
P.O. Box 50
Waterdown, Ontario L0R 2H0
163 Dundas Street East
Telephone (905) 689-7351
Lynden (905) 647-2577
Fax (905) 689-3310

3.

August 28, 1996

City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8N 3T4

Attn: Mr. Joseph Schatz, Clerk
Re: Municipal Government Restructuring
and Public Referendum

Dear Mr. Schatz:

On August 19, 1996, the General Government Committee of the Town of Flamborough dealt with the aforementioned matter and approved the following motion:

WHEREAS the creation of the Region of Hamilton-Wentworth occurred through provincial legislation and

WHEREAS the Hamilton-Wentworth Regional government has generally served the people of Hamilton-Wentworth well and

WHEREAS a review of the form, style and direction of municipal governance within Hamilton-Wentworth has been completed by the recently appointed Constituent Assembly and

WHEREAS the recommendations of the Constituent Assembly have been rejected in every municipality and overwhelmingly (a 20 - 7 vote) by the Hamilton-Wentworth Regional Council and

WHEREAS recent Decima Research undertaken by the Region of Hamilton-Wentworth in the context of their last budget process did indicate that 79% of the residents of Hamilton-Wentworth believe the existing regional government structure to be either 'excellent' or 'good' as relates the overall delivery of municipal services and, importantly, that less than 1% believed service delivery to be 'poor' and

WHEREAS five of six municipal governments, having established various mechanisms to involve citizens in a complete review of the form, style and direction of municipal governance within Hamilton-Wentworth concluded that local government needs to be strengthened not weakened,

**Municipal Government Restructuring
and Public Referendum
August 28, 1996
Page Two**

NOW THEREFORE this Corporation of the Town of Flamborough through its elected Council calls upon the Minister of Municipal Affairs and Housing and the Ontario government to ensure that no municipal council within the bounds of Hamilton-Wentworth will be caused to cease performing their important representative functions or that any consolidation or forced annexation of municipal government will take place within the bounds of Hamilton-Wentworth, unless a majority of the citizens of that local municipality, express a clear desire to consolidate through public referendum at the time of the next municipal election;

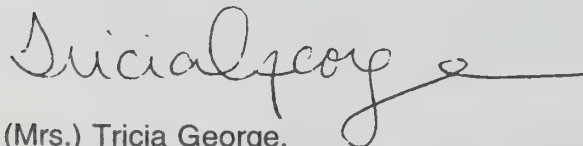
FURTHER, that this Council recommits itself to the full pursuit of all significant financial savings that may be found through refinement of our existing structure including best practises; process enhancements and any further evaluative benchmarking of municipal service delivery;

FURTHER, that this resolution be forwarded to the other municipal councils within Hamilton-Wentworth requesting their support;

FURTHER, that this resolution be forwarded to the Government of the Province of Ontario, the Minister of Municipal Affairs and Housing and John Bryden, Member of Parliament, all local members of the Provincial Legislature.

The Council of the Corporation of the Town of Flamborough approved this motion on August 26, 1996 by adopting the minutes of the General Government Committee meeting.
We, therefore, request your support of this position, and look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tricia George", followed by a horizontal line.

(Mrs.) Tricia George,
Deputy Clerk

L-96-90

C.C. Mr. Joe Pavelka, C.A.O., City of Hamilton
Mr. John Robison, C.A.O., Town of Flamborough

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1996 and respectfully recommends:

1. (a) (i) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell to the abutting owners the closed highway (north/south assumed alleyway) as established on Registered Plan 272; and,
- (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,
- (iii) That the applicant register a reference plan under The Registry Act, the said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, to delineate the manner in which the closed portion is to be distributed among the abutting owners, and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor; and,
- (iv) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act; and,
- (v) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owner; and,
- (vi) That the applicant provide an easement in favour of the Region for the existing 750mm combined sewer in the subject alleyway; and,
- (vii) That the applicant provide an easement in favour of Bell Canada for an existing plant in the subject alleyway; and,

- (b)
 - (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of The Registry Act, R.S.O. 1980, for an order to stop-up and close the east/west (unassumed) alleyway from the west limit of the north/south alleyway to approximately 41 feet to the east as shown as Part Lots 34 and 35 on Registered Plan No. 275; and,
 - (ii) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed; and,
 - (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court; and,
 - (iv) That the Commissioner of Transportation be authorized to register a reference plan under The Registry Act, to delineate the manner in which the closed portion is to be distributed; and,
 - (v) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act; and,
 - (vi) That the Director of Property be authorized to proceed with the disposition of the subject lands; and,

Provided the Judge's Order to close the highway is granted:

- (vii) That the City Solicitor be directed to prepare a by-law for the sale of the closed highway; and,
 - (viii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the by-law; and,
- (c) That the Senior Director of Roads meet with effected area residents in an attempt to mediate and determine a possible solution to the alley closure/access issue satisfactory to both parties.

2. That all-way stop control be implemented at the intersection of Jackson Street West and Pearl Street on a one year trial basis and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the application to stop-up, close, retain and lease a portion of East 36th Street from the northerly limit southerly on the west side 5.79m and on the east side 2.59m, be approved, subject to the following conditions:
 - (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up, close, retain and lease to the owner of No. 1 East 36th Street a portion of East 36th Street from the northerly limit southerly on the west side 5.79m and on the east side 2.59m; and,
 - (b) That the Commissioner of Transportation be directed to prepare and register a reference plan under the Registry Act, to delineate the manner in which the proposed closed road allowance is to be leased; and,
 - (c) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and,
 - (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
 - (e) That the applicant provide a 12.0m easement to the Region for the existing 425mm sewer and the existing 150mm watermain in the proposed closure area; and,
 - (f) That the applicant provide a 2.0m easement to Union Gas for their underground plant on the west side of the closure area.
4. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Summit Avenue commencing at a point 154 feet north of Concession Street and extending to a point 41 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

- (b)
 - (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of The Registry Act, R.S.O. 1980, for an order to stop-up and close the east/west (unassumed) alleyway from the west limit of the north/south alleyway to approximately 41 feet to the east as shown as Part Lots 34 and 35 on Registered Plan No. 275; and,
 - (ii) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed; and,
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 - (v) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act; and,
 - (vi) That the Director of Property be authorized to proceed with the disposition of the subject lands; and,

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 - (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
 - (e) That the applicant provide a 12.0m easement to the Region for the existing 425mm sewer and the existing 150mm watermain in the proposed closure area; and,
 - (f) That the applicant provide a 2.0m easement to Union Gas for their underground plant on the west side of the closure area.
4. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Summit Avenue commencing at a point 154 feet north of Concession Street and extending to a point 41 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

- (b)
 - (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of The Registry Act, R.S.O. 1980, for an order to stop-up and close the east/west (unassumed) alleyway from the west limit of the north/south alleyway to approximately 41 feet to the east as shown as Part Lots 34 and 35 on Registered Plan No. 275; and,
 - (ii) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed; and,
 - (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court; and,
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 - (b) That the Commissioner of Transportation be directed to prepare and register a reference plan under the Registry Act, to delineate the manner in which the proposed closed road allowance is to be leased; and,
 - (c) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and,
 - (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
 - (e) That the applicant provide a 12.0m easement to the Region for the existing 425mm sewer and the existing 150mm watermain in the proposed closure area; and,
 - (f) That the applicant provide a 2.0m easement to Union Gas for their underground plant on the west side of the closure area.
4. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Summit Avenue commencing at a point 154 feet north of Concession Street and extending to a point 41 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

5. (a) That a "Permit Parking" regulation be implemented on the east side of Paling Avenue commencing at a point 603 feet south of Barton Street East and extending to a point 27 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Lisa Taylor, No. 286 Paling Avenue.
6. That the existing "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Rifle Range Road commencing at a point 266 feet south of the south curb line of Whitney Avenue and extending 30 feet southerly be extended 10 feet northerly and that the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That an "Alternate Side Parking" regulation be implemented on Knyvet Avenue and Kelso Street between Inverness Avenue East and Highcliffe Avenue, such that parking is prohibited:
 - (i) on the east and south sides of the streets during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the west and north sides of the streets from the 16th to the last day of April, May, June, July, August, September, October and November; and,
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
8. (a) That a "Permit Parking" regulation be implemented on the north side of Keith Street commencing at a point 116 feet east of Emerald Street North and extending to a point 18 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Maria Botelho, No. 19 Keith Street.

9. That the existing "Permit Parking" regulation on the south side of Maplewood Avenue commencing at a point 76 feet west of Cedar Avenue and extending to a point 18 feet westerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
10. That a "No Stopping" regulation be implemented on the south side of Somerset Avenue, commencing at Barnesdale Avenue North and extending to a point 32 feet westerly therefrom, and that City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That an "Alternate Side Parking" regulation be implemented on Rochelle Avenue between Queen Victoria Drive and Stone Church Road East such that parking is prohibited:
 - (i) on the west side of the street from December to March, and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That a "Permit Parking" regulation be implemented on the south side of Francis Street commencing at a point 180 feet east of Douglas Street and extending to a point 17 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Bridges, No. 60 Francis Street.
13. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, four Time Limit Exemption Permits to each of the first four eligible applicants residing in the apartment building at No. 2 Bold Street.

14. (a) That a "Permit Parking" regulation be implemented on the north side of Dunsmure Road commencing at a point 96 feet east of Park Row North and extending to a point 19 feet easterly therefrom, and on the south side of Dunsmure Road commencing at a point 102 feet east of Park Row North and extending to a point 18 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Paul Sedgwick, No. 509 Dunsmure Road.
15. That the existing "Permit Parking" regulation on the east side of Fairfield Avenue North commencing at a point 26 feet south of Vansitmart Avenue and extending to a point 40 feet southerly therefrom be shortened such that the regulation extends to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
16. That a "Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., Seven Days a Week" regulation be implemented on the west side of Delena Avenue South commencing at a point 195 feet south of Main Street East and extending to a point 23 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That the existing "Alternate Side Parking" regulation on Gladstone Avenue between Main Street East and Delaware Avenue be replaced with a "No Parking Anytime" regulation on the west side and a "Two Hour Parking Time Limit, 24 hours a day, Monday to Friday" regulation on the east side and that the City Traffic By-law No. 89-72 be amended accordingly.
18. That a "No Parking" regulation be implemented on the west side of Lockheed Drive commencing at Paris Avenue and extending to a point 90 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That three-way stop control be implemented at the intersection of MacNab Street North and Colbourne Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

20. (a) That the Property Department be authorized to proceed with disposal of Part 5 of Plan 62R-9436 (No. 1504 Upper Gage Avenue) in accordance with the City Real Property Sales Procedural By-law No. 95-049, whereby the option to purchase documents be prepared to sell Part 5 to the abutting owner to the south at a price of \$2; and,
 - (b) That the sale be subject to the following conditions:
 - (i) The subject lands will not be sold by the City until the subject lands and the adjoining lands have been rezoned to allow for single family detached residential purposes only; and,
 - (ii) The purchaser proceed to lift the 1 foot reserve, known as Part 4 of Plan 62R-9436 and reimburse the City and the Region for the servicing and road costs associated with Royal Vista Drive, in the amount of \$97,702.71 prior to the closing date; and,
 - (iii) That should the subject lands not be developed for residential purposes within the next five years, the property ownership will revert to the City for the cost of \$2.
21. That the application of Laidlaw Energy Technologies Limited (No. 470 Kenora Avenue North, Hamilton) to install an 8 inch buried pipeline on the north side of Kenora Avenue from SWARU westerly along the Brampton Street road allowance, under the Red Hill Creek, westerly on the south side of the northern half of the Brampton Street road allowance, and then north into the Sewage Treatment Plant property to enter the facility operations at the Boiler Building, not be approved and not be subject to the following conditions:
 - (a) The applicant enter into an agreement in a form satisfactory to the Commissioner of Transportation, and the City Solicitor; and,
 - (b) The applicant pays a one time fee of \$252 for processing and registration; an annual fee of 10% of 50% of the market value of the land encumbered by the service; and a fee of \$3,000 for field inspection and quality control by the Region; and,

- (c) The applicant provides proof of \$10,000,000 public liability insurance, naming the Region and the City of Hamilton as added insured parties within a provision for cross liability, saving the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (d) That the applicant becomes an active member of the Call-BUD locate agency and that they apply for and receive all necessary permits; and,
- (e) That the applicant and/or his contractor be bonded with the Region to undertake excavation works on Regional roads; and,
- (f) All restoration of road allowance is to be in accordance with the applicable OPS Standards; and,
- (g) The Mayor and City Clerk be authorized to execute the City's standard form of encroachment agreement; and,
- (h) That the appropriate By-law be introduced and approved; and,
- (i) That the applicant save the City of Hamilton harmless for any liability which may occur as a result of this pipeline.

Note: The above recommendation lost on a tie vote at the Transport and Environment Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36 (b) it is presented as a negative recommendation.

- 22. That purchase orders be issued for Hired Equipment Contractors as outlined on Appendix "A" attached hereto, as and when required during 1996 and 1997 in accordance with the specifications issued by the Treasury Department - Purchasing Division, and the Public Works Department, and that this expenditure be financed through various approved accounts.
- 23. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:

"the lands composed of part of an alley lying immediately north of Lot 6, Plan 31, designated as Part 1 on Plan 62R-13138 and containing an area of 10.68 square metres (115 square feet) more or less"

- (b) That an Offer to Purchase (Highway Closure), to be executed by Edward Adrian and Paul Bellemore and scheduled to close thirty (30) days after the conditions of the Offer have been fulfilled to the satisfaction of the City, being on or before the 1997 January 31, for the lands composed of part an alley lying immediately north of Lot 6, Plan 31, designated as Part 1 on Plan 62R-13138 and containing an area of 10.68 square metres (115 square feet) more or less, as shown on Schedule "A" attached to the Agreement, closed by Judge's Order dated 1996 July 26 registered as Instrument No. VM 232957 on 1996 August 13, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$2, be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as Highway (Public Alleyway) closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act.
24. (a) That the Transport and Environment Committee approve 68 proposed transit shelter locations in the City of Hamilton from the attached Appendix "B" as candidate shelter locations for the 1996 HSR Shelter Program; and,
- (b) That the HSR install a maximum of 10 shelters at these candidate locations in the priority indicated by the warrant scores and subject to finalizing the necessary encroachment agreements; and,

- (c) That the remaining candidate shelter locations which do not receive a shelter through the 1996 HSR Shelter Program be considered for future years.
-
- 25. (a) That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton concurs with the recommendation put forth in the "Proposed Bench Advertising Agreement (RDS 96-202)" report dated 1996 July 25; and,
 - (b) That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton recommends as a condition of approval, the applicant be responsible for the collection of the bench litter containers.
-
- 26. That "No Stopping" regulations be implemented on the south side of Chedmac Drive commencing at a point 600 feet west of Rice Avenue and extending to a point 77 feet westerly therefrom and commencing at a point 870 feet west of Rice Avenue and extending to a point 83 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
-
- 27. That all-way stop control be implemented at the intersection of Castlefield Drive and Fernwood Crescent and that City Traffic By-law 89-72 be amended accordingly.
-
- 28. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) A-44 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-45 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-46 A By-law to Incorporate City Land Designated as Part 16, on Plan 62R-6257 into Queen Victoria Drive.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 September 16

Appendix "A" as referred to in
Section 22 of the Twelfth Report of the
Transport and Environment Committee
for 1996

CONTRACTOR	EQUIPMENT	1996	1997
Cardi	Cat 416 XL x 2	\$50.00	\$50.00
Chastney	Case 580 E x 2	\$53.00	\$55.00
Digmore	Case 580 E	\$52.00	\$54.00
L & M	Case 580 SK x 2	\$51.00	\$52.00
G. F. Mason	Ford 55B extend-a-hoe	\$52.00	\$54.00
J.D.R.	JD 310D	\$56.25	\$58.25
Woytkiw	555D Ford x 2	\$56.95	\$58.95

1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)

No.	Stop #	On Street	At Street	Corner	City	Shelter Type	Total Score
1	82526	Sterling St.	at Haddon Street	S/W	HAM	AD	50
2	82709	Hunter St. W.	at Hess St. S.	N/E	HAM	D	53
3	72525	King St. E.	at Sherman Ave.	N/E	HAM	CD	77
4	72547	King St. E.	at Wexford Ave.	N/E	HAM	AD	56
5	72858	Greenhill Ave.	at Mt. Albion Rd.	S/E	HAM	D	57
6	50491	Upper Gage Ave.	at N Mohawk Rd. (#801)	E/Side	HAM	AD	59
7	50153	Upper Wellington St.	at Brigade Dr.	S/E	HAM	D	49
8	60118	West 5th St.	at Mohawk Rd. W.	N/W	HAM	AD	66
9	90812	King St. E. (South leg)	at James St. (#25 & 26 stop)	N/E	HAM	GPV	79
10	90816	King St. E. (South leg)	at Hughson St. (#23 & 24 stop)	N/E	HAM	GPV	79
11	90814	King St. E. (South leg)	at Hughson St. (#27 & 35 stop)	N/W	HAM	GPV	79
12	90818	King St. E. (South leg)	at John St. (#21 & 22 stop)	N/W	HAM	GPV	79
13	72319	Barton St. E.	at Birch Ave.	N/E	HAM	AD	77
14	72314	Barton St. E.	at Wentworth St.	S/E	HAM	D	77
15	90106	MacNab St. S.	at King St. W. (Cannon Stop)	S/W	HAM	D	73
16	82623	Main St. W.	at E Newton Ave.	N/Side	HAM	AD	73
17	72521	King St. E.	at Stirton St.	N/E	HAM	CD	72
18	70817	Ottawa St. S.	at Main St. E.	S/E	HAM	D	69
19	51021	Concession St.	at Cliff Ave.	N/E	HAM	AD	67
20	50447	Upper Gage Ave.	at Rymal Rd. E.	N/E	HAM	D	67
21	80006	James St. N.	at Murray St. W.	N/W	HAM	AD	64
22	60040	Upper James St.	op. South Hamilton Sq.	E/Side	HAM	AD	64
23	50331	Upper Sherman Ave.	at Princip St.	N/E	HAM	D	64
24	50316	Upper Sherman Ave.	at Franklin Rd.	S/W	HAM	D	62
25	50202	Upper Wentworth St.	at Queensdale Ave. E.	N/W	HAM	CD	61
26	50407	Upper Gage Ave.	at Brucedale Ave.	S/E	HAM	AD	60
27	50139	Upper Wellington St.	op. Towercrest Dr.	E/Side	HAM	D	60
28	50240	Upper Wentworth St.	at Pescara Ave.	N/W	HAM	AD	60
29	72134	Burlington St. E.	at Proctor & Gamble	S/Side	HAM	CD	59
30	60010	Upper James St.	at Monarch Rd.	N/W	HAM	AD	58
31	51012	Concession St.	at East 13th St.	S/W	HAM	AD	57
32	51019	Concession St.	at Upper Wentworth St.	N/Side	HAM	AD	57

**1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)**

No.	Stop #	On Street		At Street	Corner	City	Shelter Type	Total Score
33	51242	Fennell Ave. E.	at	Glenford Ave.	S/W	HAM	CD	57
34	72674	Queenston Rd.	at	#770 Queenston	S/Side	HAM	D	57
35	50543	Upper Ottawa St.	at	Unsworth Dr.	N/E	HAM	D	57
36	50140	Upper Wellington St.	at	Stone Church Rd. E.	N/W	HAM	AD	57
37	71424	Beach Blvd.	at	Van Wagner's Beach Rd.	N/W	HAM	D	56
38	82640	Main St. W.	op	Binkley Rd.	S/Side	HAM	AD	56
39	50442	Upper Gage Ave.	at	Rymal Rd. E.	N/W	HAM	AD	55
40	60337	Upper Paradise Rd.	at	Rymal Rd. W.	N/E	HAM	AD	55
41	50325	Upper Sherman Ave.	at	Berko Ave.	S/E	HAM	AD	54
42	60141	West 5th St.	at	Stone Church Rd. W.	S/E	HAM	D	54
43	81003	Franklin Ave.	at	Longwood Rd.	N/W	HAM	D	53
44	70707	Gage Ave. N.	at	Beach Rd.	N/E	HAM	AD	52
45	72859	Greenhill Ave.	at	Mt. Albion Rd.	N/E	HAM	D	52
46	72872	Greenhill Ave.	at	Summercrest Dr.	N/E	HAM	D	52
47	60401	Sanatorium Rd.	op	San Brow Building	N/Side	HAM	D	52
48	72261	Glow Ave.	at	Parkdale Ave. N.	N/E	HAM	D	51
49	72258	Glow Ave.	at	Parkdale Ave. N.	S/E	HAM	D	51
50	40017	Paramount Dr.	op	Atlas St.	E/Side	STO	D	51
51	82414	Strathcona Ave.	op	Lamoreaux St.	E/Side	HAM	D	50
52	60233	Garth St.	op	#1440 Garth St.	E/Side	HAM	D	49
53	72582	Greenhill Ave.	op	Monte Dr.	W/Side	HAM	D	49
54	81114	McMaster Service Rd.	at	Main St. Exit	S/W	HAM	D	48
55	50445	Upper Gage Ave.	at	Golden Gate Ave.	N/E	HAM	CD	47
56	50241	Upper Wentworth St.	at	Stone Church Rd. E.	S/E	HAM	AD	47
57	72226	Beach Rd.	at	Albemarle St.	S/W	HAM	D	46
58	80129	MacNab St. S.	at	Robinson St.	S/E	HAM	D	46
59	72584	Greenhill Ave.	at	Tasha Ct.	N/W	HAM	D	44
60	72152	Burlington St. E.	at	Parkdale Ave. N.	S/W	HAM	D	42
61	72374	Woodward Ave.	at	Melvin Ave.	N/E	HAM	AD	42
62	50243	Upper Wentworth St.	at	Balharbour Dr.	N/E	HAM	AD	42
63	50247	Upper Wentworth St.	at	Elite Dr.	S/E	HAM	AD	42
64	51115	Queensdale Ave. E.	op	East 15th St.	N/Side	HAM	D	41

1996 September 24

1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)

No.	Stop #	On Street	At Street	Corner	City	Shelter Type	Total Score
65	n/a	Upper Sherman Ave.	at Rymal Rd. E.	N/E	HAM	D	41
66	n/a	Upper Sherman Ave.	at Rymal Rd. E.	N/W	HAM	D	41
67	71213	Woodward Ave.	at Melvin Ave.	N/E	HAM	D	41
68	60133	Chester Ave.	at West 5th St.	S/W	HAM	D	40

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. That the Director of the Culture and Recreation Department be authorized to utilize \$2,500 of the funds available in Trust Account No. CH25215 00183 to cover additional costs associated with the purchase of wallpaper recommended for the restoration of the T.B. McQuesten bedroom at Whitehern.
2.
 - (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the three dimensional objects from the Hamilton Military Museum's collection that are listed on Appendix "A" attached hereto; and,
 - (b) That the deaccessioned items listed in Appendix "A" attached, be disposed of according to the Museum Policy and City of Hamilton Purchasing Policy.
3. That the Director of the Culture and Recreation Department be authorized to spend up to \$2,500 from the Hamilton Children's Museum's Reserve Account No. CH5X946 00183 for the purchase of a computer for public use in the exhibition area at the Hamilton Children's Museum.
4.
 - (a) That staff be authorized to issue a Purchase Order to purchase kitchen equipment and fabricated stainless steel items to Niagara Restaurant Supply Ltd.; \$28,315 plus applicable taxes, W.A. Halcovitch Sales; \$25,188 plus applicable taxes and Russell Food Equipment Ltd.; \$5,428 plus applicable taxes; and,
 - (b) That staff be authorized to expend \$7,000 in contingency to cover installation and hookups of equipment and other unforeseen circumstances; these expenditures are to be pre-authorized by the Director of the Culture and Recreation Department; and, .

- (c) That the total amount of \$65,931 plus applicable taxes be charged to Account No. CF719441022.
- 5.
 - (a) That staff be authorized to issue a Purchase Order to Bestco Construction Corp. for \$69,538 plus applicable taxes to the total of \$74,406 to complete and rectify the barrier free design modifications in Westmount Recreation Centre, Ryerson Recreation Centre and Scott Park Arena originally completed in 1994-1995; and,
 - (b) That the work be financed from Barrier Free Access - All City Buildings Canada Ontario Infrastructure Programme, Account No. CF809453005; and,
 - (c) That staff be authorized to include the modification required to enlarge the door opening leading to Club 68 in Ivor Wynne Stadium to comply with the Barrier Free Design Standards to a maximum cost of \$7,500; and,
 - (d) That the amount of \$7,500 referred to in sub-section (c) be charged against the contingency carried in the project; and,
 - (e) That staff be authorized to carry a project contingency of \$15,000 (including GST) to be spent for unforeseen circumstances, authorized by the Director of Culture and Recreation.
- 6. That the 1996 Fee Schedule for the Culture and Recreation Department as approved by the Committee of the Whole on 1996 February 26, be amended to allow the negotiation down to an off prime time hourly ice rental rate of \$65, for those hours of operation between 6:00 o'clock a.m. and 4:00 o'clock p.m., Monday through Friday, (Winter Season), -for groups booking in excess of four hours, or contracts for greater than five weeks, at all Arena facilities.
- 7.
 - (a) That staff be authorized to issue a Purchase Order for \$20,000 plus applicable taxes, to Edwin Rowse Architect Inc. of Toronto to conduct a Barrier Free Design study, all Cultural Facilities; and,
 - (b) That staff be authorized to carry a project contingency of \$3,000 plus applicable taxes, to cover additional services, if required, as authorized by the Director of the Culture and Recreation Department; and,
 - (c) That the total amount of \$23,000 plus applicable taxes, be charged to Account No. CF329341012 (Barrier Free Access, Design Study).

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8. That the Wearing of the Green Committee be permitted to install a monument in Gage Park as shown on the plan attached hereto as Appendix "B" dedicated to all Irish settling in Hamilton, based on the sketch dated 1996 September 2 and attached hereto as Appendix "C".
9.
 - (a) That staff be authorized to proceed with application under the Niagara and Hamilton-Wentworth Waterfront Trail Program to secure Provincial funding towards the expansion of the City's Trail network; and,
 - (b) That Management Team be requested to consider this project in the 1997-1998 Capital Budget fiscal year.
10. That an amount of \$756 be returned to the City of Hamilton for subsidizing the 1996 Ontario Chapter, Canadian Public Works Association's Golf Tournament at King's Forest Golf Course on Wednesday, 1996 June 12.
11.
 - (a) That on-going maintenance of the Hamilton Beach be considered as a submission for the 1997 Current Budget deliberations as an expansion of service at an annual cost of \$18,000; and,
 - (b) That staff prepare a Capital Budget submission for Hamilton Beach Improvements in the amount of \$50,500; and,
 - (c) That staff be authorized to proceed with application under the Niagara and Hamilton-Wentworth trail program to secure Provincial funding toward this expansion of the City's trail network in the Hamilton Beach Area; and,
 - (d) That Management Team be requested to consider the Hamilton Beach Improvements in the 1997-1998 Capital Budget fiscal year.

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1996 September 17

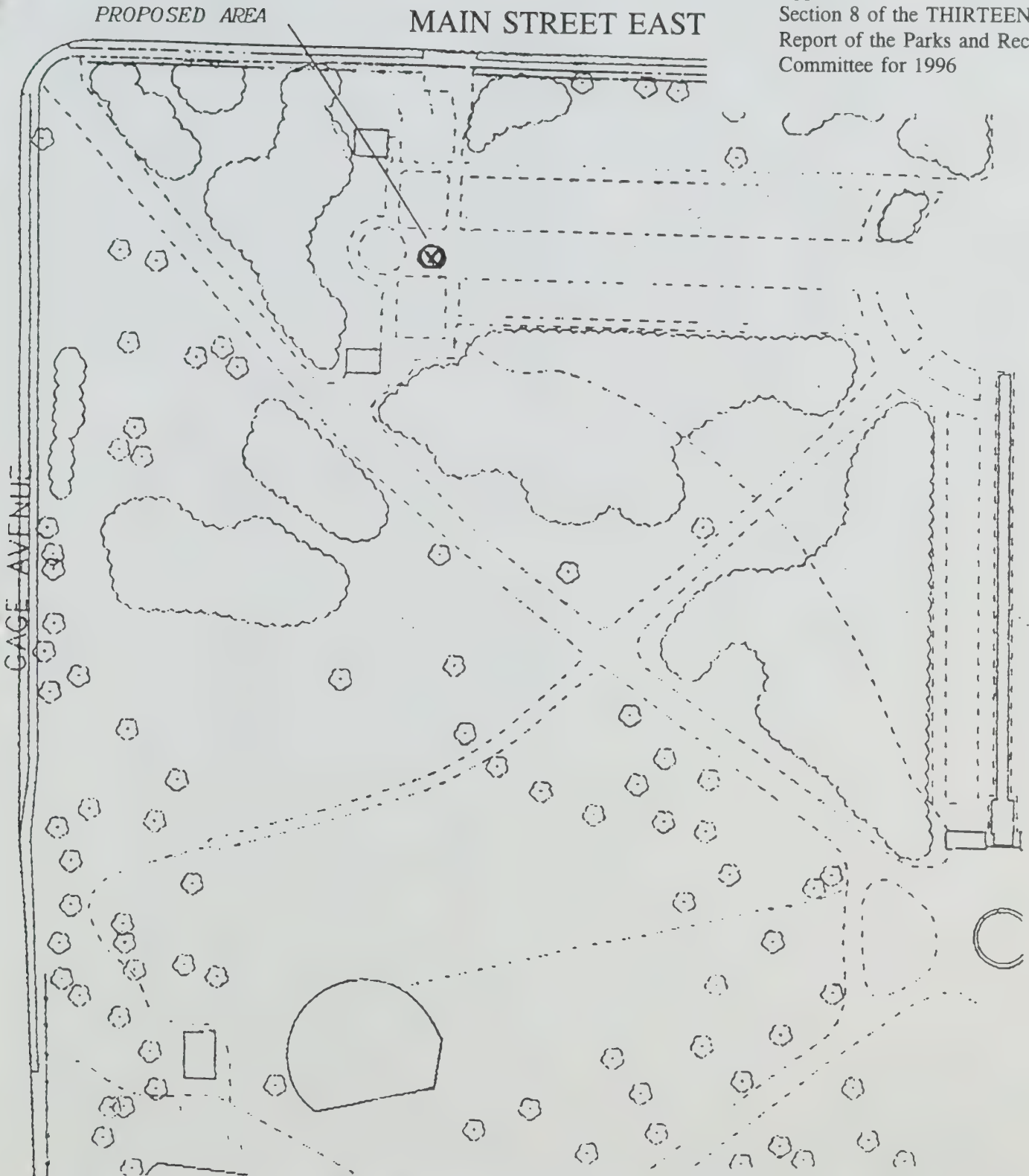
Appendix "A" as referred to
in Section 2 of the Thirteenth Report
of the Parks and Recreation
Committee for 1996

Three dimensional objects to be deaccessioned from the Hamilton Military Museum collection:

- 1976.093.1 Black and white reproduction flintlock pistol (tourist item)
- 1977.429.3 German breech loading rifle, colonial trade firearm
- 1979.675.1 Danzig musket
- 1979.676.1 .22 calibre Hobert rifle
- 1979.677.1 Short barrelled rifle
- 1979.678.1 U.S. percussion lock rifle cut down for sporting use
- 1979.684.1 .22 calibre sporting rifle
- 1979.685.1 Breech loading rifle cut down for sporting use
- 1979.686.1 Providence Tool Co. (Rhode Island) rifle
- 1979.866.1 Sporting percussion cap rifle

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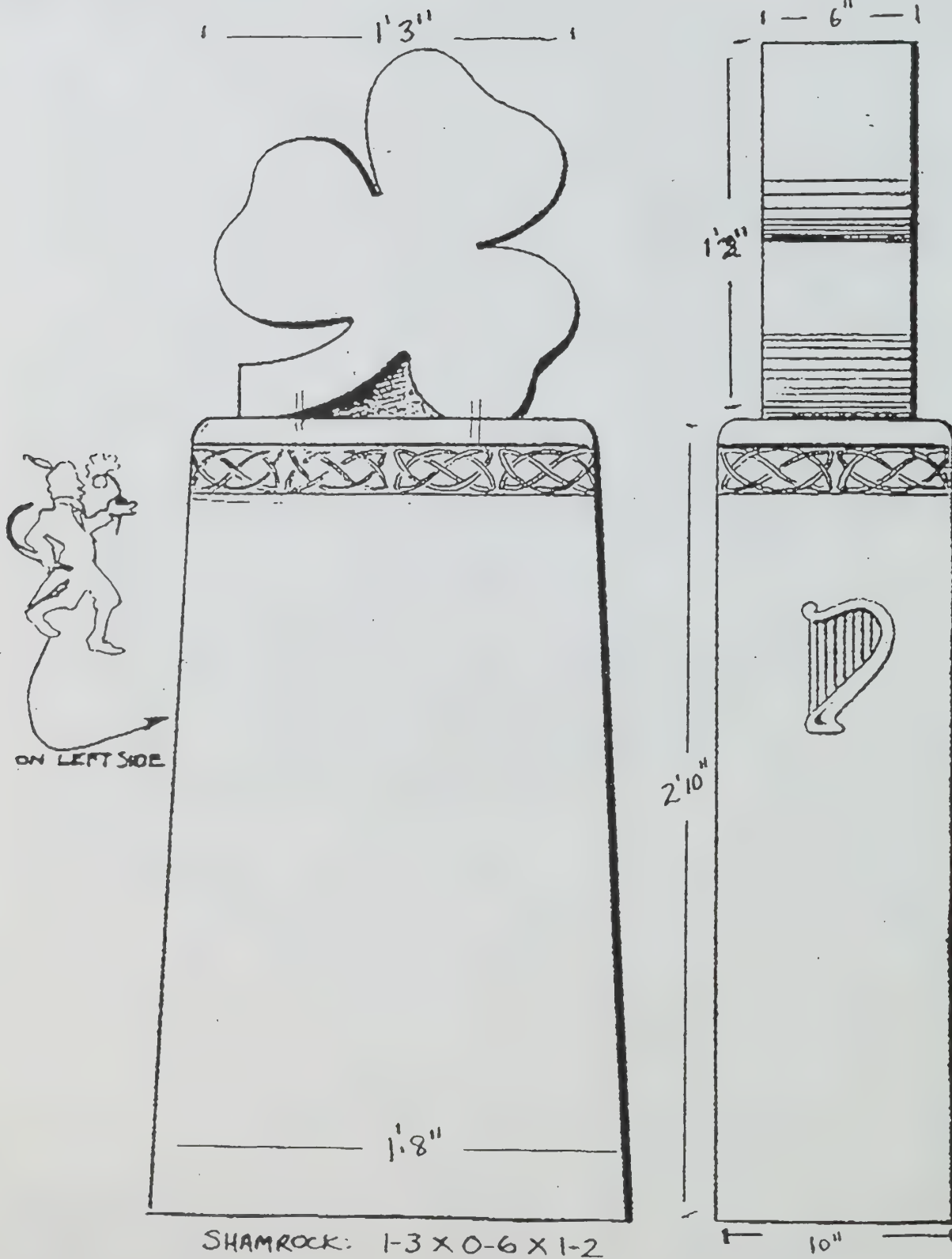
Appendix "B" as referred to
Section 8 of the THIRTEENTH
Report of the Parks and Recreation
Committee for 1996



City of HAMILTON	Project	GAGE PARK	Date	R.H.
	Title	North West Section	Scale	1:1000
		B-5	Dwg. No.	

1996 September 24

Appendix "C" as referred to in
Section 8 of the THIRTEENTH
Report of the Parks and Recreation
Committee for 1996



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. That approval be given to Zoning Application 96-09, Hamilton Habitat for Humanity, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1" and from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Dwellings - Holding) District for Block "2", for property located at 607 Queen Victoria, shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Blocks "1" & "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District; and,
 - (ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,
 - (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (v) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law.
2. (a) That approval be given to Amended Zoning Application 96-10, E.L. Richter, lessee, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and to the "JJ" (Restricted Light Industrial) District regulations for Block "2", to permit

parking only, in conjunction with the adjacent lands located at No. 244 Lake Avenue North, for lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (1) Notwithstanding Section 7.(1) of By-law No. 6593, a parking area only as an accessory use to a permitted use at No. 244 Lake Avenue North, shall be permitted; and,
 - (2) Sections 18A.(11) and 18A.(12) shall not apply to a parking area accessory to a permitted use at No. 244 Lake Avenue North; and,
- (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A.(1) of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
 - (1) Notwithstanding Section 16A.(1) of By-law No. 6593, a parking area as an accessory use to a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products use located at No. 244 Lake Avenue North, shall be permitted; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1369, and that the subject lands on Zoning District Map E-113 be notated S-1639; and,
- (iv) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,
- (v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. (a) That approval be given to Official Plan Amendment No. 136 to redesignate the lands encompassed by the Tiffany Creek Environmentally Sensitive Area within the Falkirk West Neighbourhood from "Residential" and "Major Institutional" to "Open Space" on Schedule A - Land Use Concept of the Official Plan; and,

(b) That the proposed Falkirk West Neighbourhood Plan policies and land use schedule, (previously distributed to the members of Council) marked as Appendix "C", be adopted.
4. (a) That approval be given to amended Zoning Application ZAC-96-07, Dicon Developments, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District and "C" (Urban Protected Residential, etc.) District, for property located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 8.5 metres shall be provided and maintained; and,
 - (2) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a minimum width of 15.0 metres and an area of at least 450 square metres within the district; and,
 - (3) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained for each single family dwelling;
 - (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1370, and that the subject lands on Zoning District Map W-9B be notated S -1370; and,

- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
 - (vi) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Block "2" to Schedule "A"; and,
 - (vii) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control; and,
 - (viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
5. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act for the following properties:
- (a) 1187 West 5th Street;and,
 - (b) 1193 west 5th Street.
6. (a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement a Downtown Convert/Renovate-to-Rent Loan Program (as outlined and attached hereto as Appendix "E") to provide interest free loans to owners of commercial properties located within the downtown core (described as attached hereto and marked as Appendix "F"), for conversions of vacant upper floor non-residential premises into apartments or renovations to existing apartments in commercial buildings to bring them in compliance with the Property Standards By-law and Fire Code; and,
- (b) That this Loan Program be approved conditional upon:
- (i) approval by the Planning and Development Committee and Council of:
 - (1) a By-law to designate as a Community Improvement Project Area pursuant to the Planning Act, (s. 28), that portion of the downtown outlined in the attached Appendix "F"; and,
 - (2) a By-law to adopt a Community Improvement Plan for the said designated area to provide for the Downtown Convert/Renovate-

to-Rent Loan Program (as generally outlined in attached Appendix "E "); and,

- (ii) approval of the Minister of Municipal Affairs and Housing to the said two by-laws and to the City's exercise of its authority and power under the community improvement provisions of the Planning Act for the purpose of carrying out the said Plan; and,
 - (iii) the initial capital funding of \$180,000 from the City being approved by Council upon the recommendation of the Finance and Administration Committee; and,
- (c) That the Regional Municipality of Hamilton-Wentworth, pursuant to the Regional mandate to encourage economic development within the Region, be requested to make this Loan Program a joint community improvement/economic development project by matching the City's \$180,000-such that the total loan Capital available for the Downtown Convert/Renovate-to-Rent Loan Program project shall be \$360,000; and,
- (d) That the City Solicitor be authorized to prepare the said two by-laws for presentation to Council; and,
- (e) That staff be authorized and directed to:
- (i) in preparation for adoption of the Community Improvement Plan by by-law, as required by the Planning Act, prepare and submit the proposed Community Improvement Plan (including the terms of the Downtown Convert/Renovate-to-Rent Loan Program outlined in Appendix "E") to Council and hold a public meeting to receive citizen input; and,
 - (ii) prepare the proposed by-law schedule in accordance with attached Appendix "F" to define the downtown area to be designated by By-law as a new Community Improvement Area pursuant to the community improvement provisions of the Planning Act (sec. 28); and,
 - (iii) apply to the Minister of Municipal Affairs and Housing for the approvals referred to in paragraph (b)(ii) above; and,
- (f) That the Building Department, Housing and Loans Division, administer the Downtown Convert/Renovate-to-Rent Loan Program after the said conditions have been fulfilled.
7. (a) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and

scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton; part of South Street between Cathcart and Ferguson Avenue, on Registered Plan 89, part of Lane north of Murray Street, part of Lots 132 and 134 and all of Lot 133 on Registered Plan 287; part of Lane south of Murray Street and part of Lots 112, 121, 122, 123, 124, 125 and 126 on Registered Plan 287, comprising in total an area of .36 hectares (0.9 acres) more or less, all shown as Parts 1, 4 and 5 on Plan 62R-12423, identified as CN PIN Number 40835, be approved and completed and the purchase price of \$3,112.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,

- (b) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton, part of Elgin Street (now closed), part of lane adjoining Lots 87 and 88 on Registered Plan Number 287, part of Lot 88 on Registered Plan Number 287, part of Murray Street (now closed), having a frontage of 119.091 metres (390.71 feet) more or less, along the western limit of Ferguson Avenue, comprising an area of .40 hectares (1.0 acre) more or less, all shown as Part 1 on Plan 62R-13522, identified as CN PIN Number 40708, be approved and completed and the purchase price of \$3,162.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,
 - (c) That as consideration in the amount of \$2.00 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
8. (a) That Schedule 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be amended to delete the following name:

SCHEDULE 'B'

Norm Woolcott

Woolcott's Shoes

and add the following:

John Woolcotts
Debbi Johnson
Paul Wharton

Woolcott's Shoes
Why Pay More
Wharton's Copy Print and More

- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Schedule 'B' of By-law No. 86-144 pursuant to (1.) above.
- 9. That the historical designation of a house at 2774 King Street East be removed by the enactment of a By-law to repeal the Designation By-law.
- 10. That the appropriate By-law to amend the Conveyance of Land for Park Purposes By-law, the Planning Fees By-law, the Committee of Adjustment By-law and the Building Permit and Fees By-law be enacted.
- 11. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for the following properties:
 - (a) 10 Limeridge Road West
 - (b) 1321 Upper Wellington Street
 - (c) 1329 Upper Wellington Street
- 12. (a) (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for improvements to 349 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- (b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for exterior storefront improvements to 349 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-

down this loan as per the terms of the Barton Street Revitalization Program.

13. (a) That the request by Valery Construction Limited, to extend draft plan approval for "Ridgeview Estates - Phase III" subdivision under Regional File No. 25T-76046 for a further three (3) year period to August 1, 1999, be approved; and,
(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
14. (a) That the report of the Conservation Review Board dated 1996 May 9 recommending the designation of the former St. George's Anglican Church and Sunday School at 137 Strathcona Avenue North/10 Tom Street, be adopted and that the Church property as outlined in the Reasons for Designation attached hereto and marked as Appendix "G" be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,
(b) That the By-law attached hereto and marked as Appendix "H" designating the property at 137 Strathcona Avenue North/10 Tom Street be adopted.
15. That the Chief Administrative Officer be requested to convene a meeting with representatives from the Fire Department, Hamilton-Wentworth Regional Police Department, Planning and Development Department and the Building Department, to determine what courses of action can be taken by the City in securing the Lister Block located at 28-44 James Street North/5-21 King William Street, in light of three recent fires at the building.
16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-45 A By-law to Amend By-law Nos. 84-252, 93-243, 87-55 and 93-167 to Reduce Various Fee By-laws for the Downtown Area.
 - (b) C-46 A By-law to Repeal By-law No. 87-108 Respecting Land Located at Municipal No. 2774 King Street East.
 - (c) C-47 A By-law to Designate the Property Known as St. George's Anglican Church and Sunday School Land Located at Municipal No. 137 Strathcona Avenue North (10 Tom Street).
 - (f) C-48 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1232 Upper Gage Avenue.

- (g) C-49 A By-law to Repeal By-law No. 94-129 to Adopt Official Plan Amendment No. 127 Respecting Lands Located on the West Side of Walnut Street, North of Forest Avenue, and Known Municipally as No. 180 Walnut Street Within the Corktown Neighbourhood.
- (h) C-50 A By-law to Adopt Official Plan Amendment No. 135 Respecting Lands Bounded by Scenic Drive, Mohawk Road West, Magnolia Drive, Rice Avenue and Sanatorium Road within the Mountview Neighbourhood.
- (i) C-51 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Bounded by Rice Avenue, Mohawk Road West, Magnolia Drive and - Scenic Drive.
- (j) C-52 A By-law to Establish Site Plan Control Respecting Lands Bounded by Rice Avenue, Mohawk Road West, Magnolia Drive and Scenic Drive.
- (k) C-53 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of Barton Street East, East of Municipal No. 244 Lake Avenue North.

17.A. (a) That approval be given to revised Subdivision Application 25T-94004(R), Starward Homes, prospective owner, for a draft plan of subdivision "Tiffany", on lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "I", subject to the following conditions:

- (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated July 10, 1996, showing 178 lots (110 single family lots and 68 small-lot single family lots), a block for parkland (Block 183), a block for a public walkway (Block 181), a block for storm water management (Block 179), a block for 0.30 m reserve (Block 182), 2 blocks for road widening purposes (Blocks 180 and 184) and five new streets and the extension of Chedmac Drive, as shown on the attached map marked as Appendix "J"; and,
- (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
- (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,
- (vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (viii) That the Owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E"; and,
- (ix) That the owner align Chedmac Drive in the vicinity of Lots 136 to 146, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 179, in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department; and,
- (x) That the owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road; and,
- (xi) That the owner be responsible for all costs in the upgrading of Sanatorium Road based on the detailed functional engineering study between Street "E" and Scenic Drive only; and,
- (xii) That the owner assume all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E"); and,
- (xiii) That the Owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road, to the satisfaction of the Director of Public Works and the Director of the Roads Division of the Transportation Department; and,

- (xiv) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision; and,
- (xv) That the Owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton; and,
- (xvi) That the Owner convey Block 183 to the City of Hamilton for Park/Open Space; and,
- (xvii) That the owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be amended; and,
- (xviii) That the Owner provide fencing to all residential lots adjacent to the proposed stormwater management facility; and,
- (xix) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
- (xx) That the Owner submit a phasing strategy report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of the construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations; and,
- (xxi) That the Owner submit a sediment and erosion control plan to the satisfaction of the Commissioner of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:

- (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) That the Owner provide a summary inspection report every 30 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial actions taken, to the satisfaction of the Senior Director, Roads Department; and,
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated -with permanent cover immediately following completion of construction.
-
- (xxii) That the owner dedicate by certificate Block 184 to the City of Hamilton for a road widening adjacent to Block 183, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south; and,
 - (xxiii) That the owner dedicate by certificate Block 180 to the City of Hamilton for a road widening; and,
 - (xxiv) That the owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 180, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block to be dedicated as public highway to the City by Certificate; and,
 - (xxv) That the owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 183 and the east limit of Street "B"; and,
 - (xxvi) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands; and,
 - (xxvii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94004(R)), Starward Homes, perspective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- B. (a) That approval be given to amended Zoning Application 94-19, Chedoke Health Corporation and Starward Homes, owner and perspective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family Dwelling) District and "A" (Conservation, Open Space, Park and Recreational) District, for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, shown as Blocks "1", "2", "3" and "4" on the attached map marked as Appendix "I", on the following basis:
- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District; and,
 - (iv) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,
 - (v) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area, as amended by revised OPA-135, upon approval of the Official Plan Amendment by the Region of Hamilton-Wentworth; and,

1996 September 24

- (vi) That the implementing Zoning By-law not be presented to Council for adoption until the By-law to adopt OPA-135 has been passed by Council; and,
- (b) That the approved Mountivew Neighbourhood Plan be amended to revise the street pattern as per the revised plan of subdivision "Tiffany".

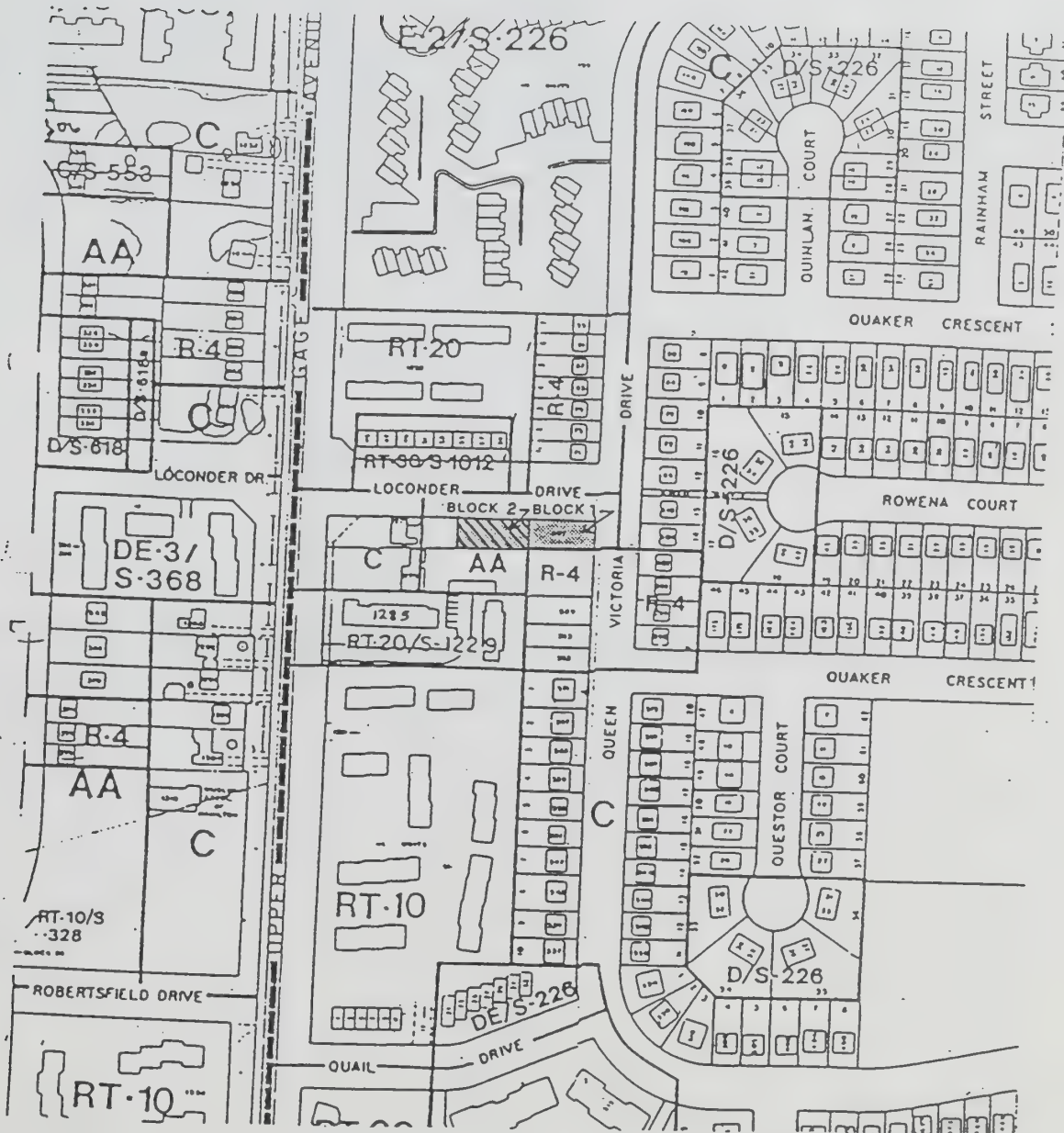
Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1996 September 18**

1996 September 24

Appendix "A" referred
to in Section 1 of the
FOURTEENTH Report of the
Planning and Development
Committee for 1996



Legend

Site of the Application

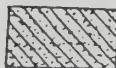
Proposed change in zoning from:

BLOCK 1



From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

BLOCK 2



From "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached - Holding) District;



1996 September 24

Appendix "B" referred to in Section 2(a) of the FOURTEENTH Report of the Planning and Development Committee for 1996.

9



Legend

Proposed Modification to the established:



A* (Conservation, Open Space, Park and Recreation) District.



"JJ" (Restricted Light Industrial) District.



1996 September 24

**THE FALKIRK WEST NEIGHBOURHOOD
POLICIES AND PLAN**

Prepared by:

PLANNING INITIATIVES LTD.

Engineers, Planners and Landscape Architects

118 Jackson Street East

Hamilton, Ontario

L8N 1L3

Tel (905) 546-1010

Fax (905) 546-1011

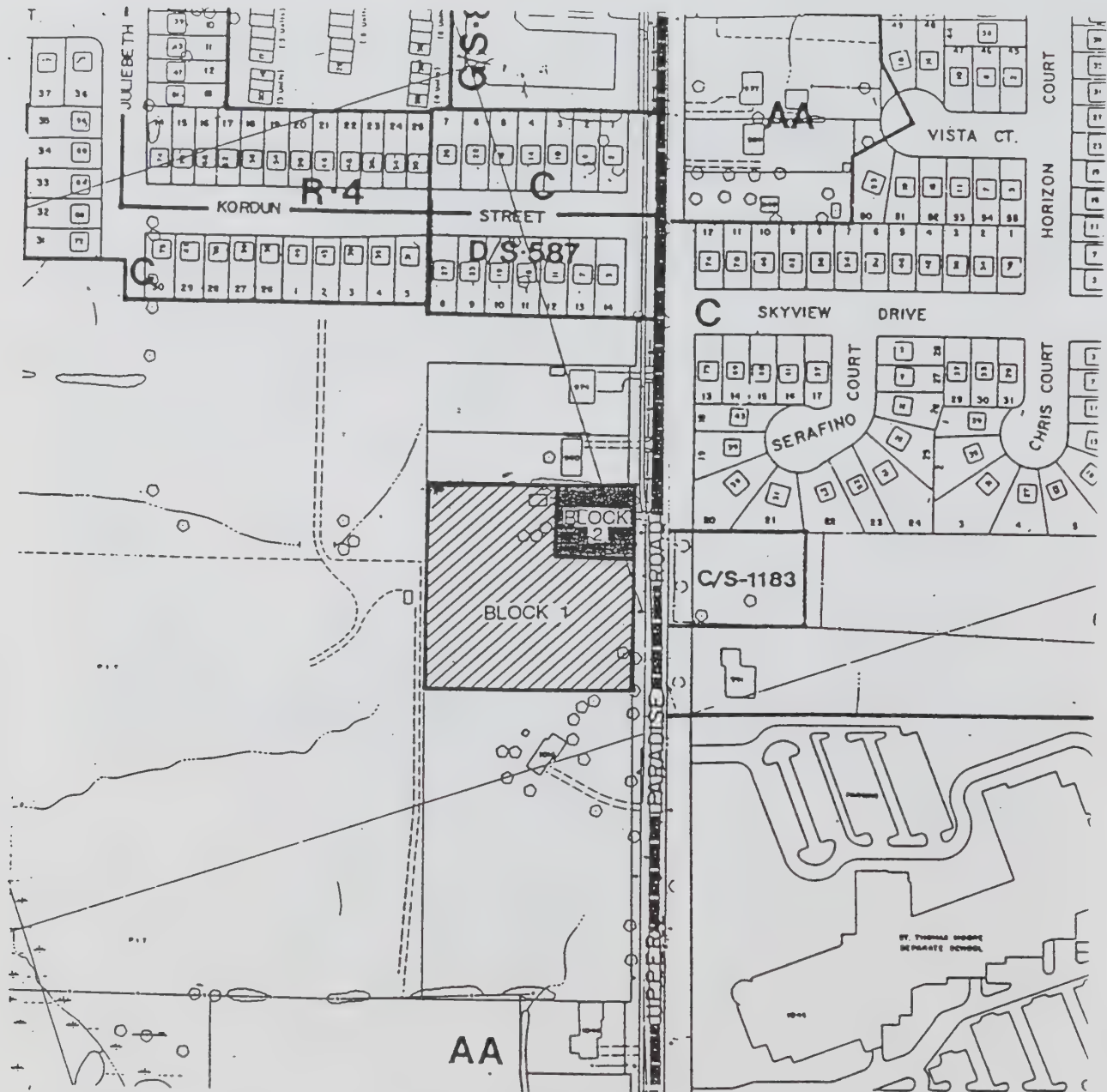
September 1996

**COMPLETE PACKAGE DISTRIBUTED TO MEMBERS
OF CITY COUNCIL UNDER SEPARATE COVER.**



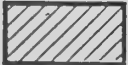

1996 September 24

Appendix "D" referred
to in Section 4(a) of the
FOURTEENTH Report of
the Planning and Development
Committee for 1996



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to
"RT-20" (Townhouse - Maisonette) District |
| BLOCK 2 |  | "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District |


ZAC-96-07

1996 September 24

Appendix "E" referred
to in Section 6(a) of the
FOURTEENTH Report of the
Planning and Development
Committee for 1996.

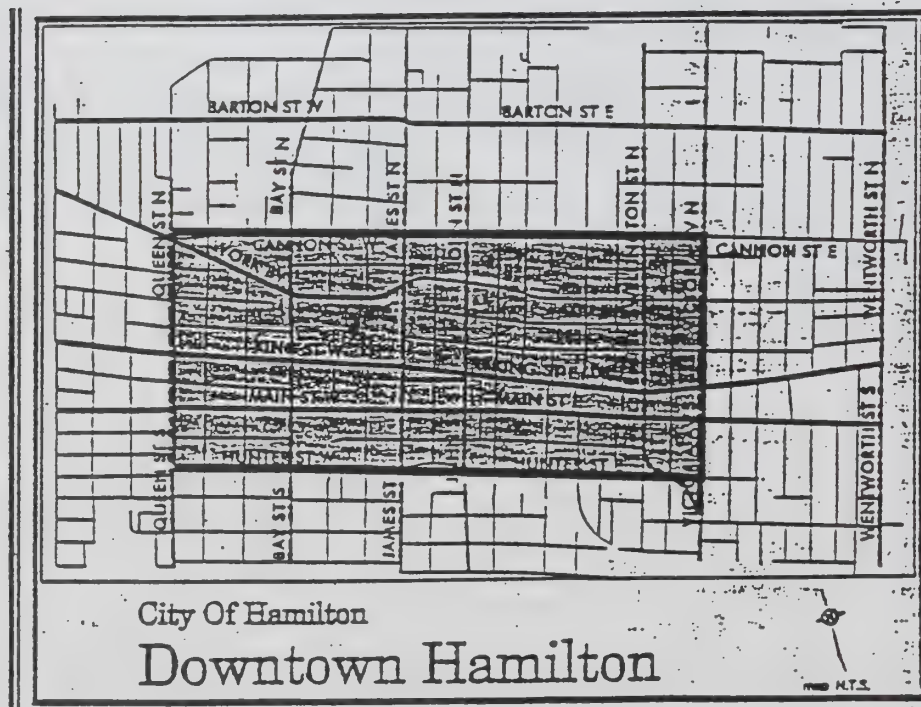
Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

- | | | |
|-----|---|--|
| (a) | Lender: | The Corporation of the City of Hamilton |
| (b) | Duration of loan program: | Until terminated by Council |
| (c) | Initial loan Capital: | \$180,000 - City funds |
| | Additional loan Capital: | \$180,000 - Region funds |
| (d) | Loan Interest rate: | Zero interest |
| | Interest on arrears: | 12.9996% per annum or such tax arrears interest rate established by Council |
| (e) | Maximum loan term: | Ten years (subject to prior termination on default)
Principal repayable in monthly amounts over 120 months |
| (f) | Maximum Loan: | The lesser of cost or \$12,000 per apartment unit with a maximum of \$48,000 loan per property; |
| (g) | Purpose of Loan: | Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings; |
| (h) | Security: | Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement; |
| (i) | Minimum Equity requirement: | Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed; |
| (j) | Realty taxes: | In good standing at all times |
| (k) | Eligible Costs: | All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program; |
| (l) | Sale or refinancing of property: | Loan due in full; |
| (m) | Revolving Loan Account: | Loan repayments to be credited to loan program account for re-lending; |
| (n) | Except as provided above, subject to City's usual lending criteria. | |

1996 September 24

Proposed Area for Hamilton Downtown Convert/Renovate-to-Rent Program

All commercial properties inside the boundary of Queen Street, Cannon Street, Victoria Avenue, and Hunter Street as identified on the following map:



REASONS FOR DESIGNATION

Former St. George's Anglican Church and Sunday School

137 Strathcona Avenue North
(10 Tom Street, Hamilton)

Context

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundurn Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evei Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday school. Set back from Tom Street, the Sunday school building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday school layout consists of a large, two-storey open room containing classrooms and a mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accommodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

1996 September 24

History

Opened as St. George's Chapel of Ease, the church was built to serve parishioners in the west end of the Parish of All Saints. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sanctuary, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday school, including walls, windows, and the interior open space with its classrooms and mezzanine.

1996 September 24

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

**THE PROPERTY KNOWN AS ST. GEORGE'S ANGLICAN CHURCH
AND SUNDAY SCHOOL
LAND LOCATED AT MUNICIPAL NO. 137 STRATHCONA AVENUE NORTH
(10 TOM STREET)**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as St. George's Anglican Church and Sunday School, located at Municipal No. 137 Strathcona Avenue (10 Tom Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

- (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
- (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this

day of

A.D. 1996

CITY CLERK

MAYOR

1996 September 24

Schedule "A"

To

By-law No. 96-

St. George's Anglican Church and Sunday School
137 Strathcona Avenue (10 Tom Street), Hamilton, Ontario

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth
and being composed of:

FIRSTLY: Part of Lots 42 and 43 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey in the said City of Hamilton, and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 79 feet northerly from the south-east angle of Lot 41 in the said survey;

THENCE northerly along west limit of Strathcona Avenue, 36 feet to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet easterly from the west limit of said Lot 43, which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 36 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 106670 N.S. which point is distant 79 feet from the north limit of Tom Street.

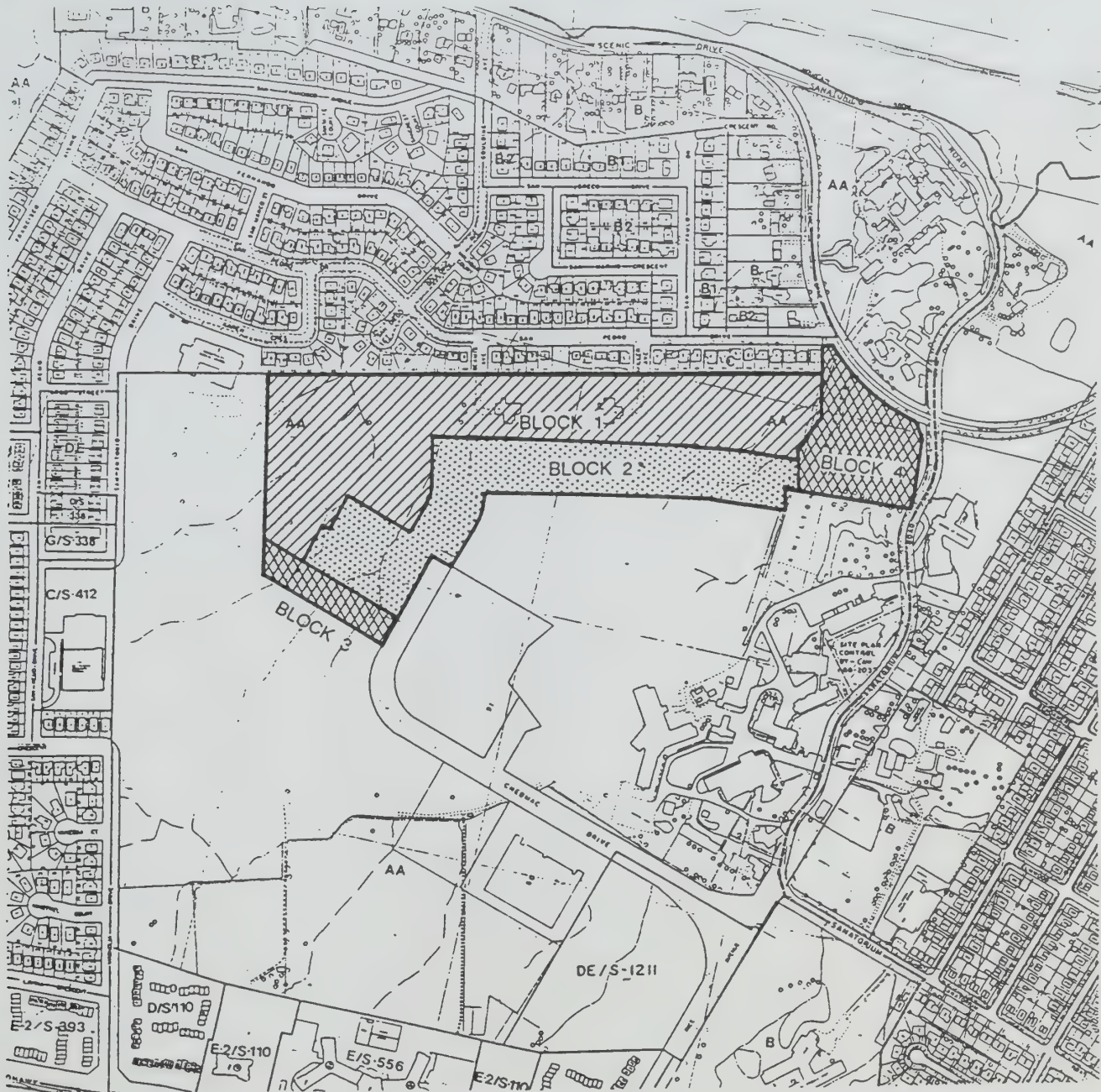
THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet ore or less to the place of beginning;

SECONDLY: Parts of Lots Numbers 41 and 42 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 50 feet northerly from the south-east angle of said Lot 41;





THENCE northerly along the west limit of Strathcona Avenue, 29 feet more or less to a point;

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Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District |
| BLOCK 2 |  | "AA" (Agricultural) District to
"R-4" (Small Lot Single-Family Dwelling) District |
| BLOCK 3 |  | "AA" (Agricultural) District to "A" (Conservation,
Open Space, Park and Recreation) District |
| BLOCK 4 |  | "AA" (Agricultural) District to "A" (Conservation,
Open Space, Park and Recreation) District |



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIFTEENTH** Report for 1996 and respectfully recommends:

1. That the Canadian Football Hall of Fame and Museum Management Board be authorized to negotiate the leases, with the assistance of the Director of Property, for the Hamilton Municipal Employees Credit Union and The Press Club's use of the property at 50 Jackson Street West.
2.
 - (a) That the City confirm with the Fountain Foundation its temporary financial support to an upset limit of \$98,000; and,
 - (b) That the Fountain Foundation be requested to continue its fundraising efforts, including book sales, corporate donations and service-in-kind donations in keeping with the method of financing initially proposed for this project; and,
 - (c) That the temporary financing for the installation of the Gore Park Fountain, up to a maximum of \$98,000, be funded from the Reserve for Contingency, Account Centre No. CH00115, to be repaid from the collection of contributions from the Gore Park Fountain Foundation; and,
 - (d) That the City Treasurer be authorized and directed to release funds as required upon request of the Commissioner of Public Works and Traffic.
3. That the City of Hamilton decline the Plaintiff's (Agnes Pavic) Offer to Settle Ontario Court (General Division) Action No. 2147/93 on the following terms:
 - (a) Plaintiff to receive \$10,000 in damages plus pre-judgment interest in full satisfaction of all claims except costs; and,
 - (b) Plaintiff to receive costs on a solicitor-and-client basis.

4.
 - (a) That the City resolve Ontario Court (General Division) Action No. 39857/92 by the payment to the Plaintiff, Herbert Pohl, of the sum of \$23,433.70 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 19857/92 be dismissed without costs.
5.
 - (a) That the City of Hamilton Offer to Settle all matters outstanding in Court of Appeal File No. C14230 on the following terms:
 - (i) That the City of Hamilton will pay to the Plaintiff, (Respondent) Helen Semenuk 75% of the Judgment in Ontario Court (General Division) Action # 1685/85 together with post-judgment on that reduced amount at 7% from 1992 November 30, to the date of acceptance of this Offer; and,
 - (ii) That the City of Hamilton will pay to the Plaintiff, (Respondent) Helen Semenuk the full amount of the assessed costs in Ontario Court (General Division) Action # 1685/85 together with post-judgment at 8% from 1993 May 3, to the date of acceptance of this Offer; and,
 - (b) That the Plaintiff, (Respondent) Helen Semenuk be required to deliver a Satisfaction Piece with respect to the Judgment in Ontario Court (General Division) Action # 1685/85 in a form satisfactory to the City Solicitor; and,
 - (c) That the Appeal in Court of Appeal file No. C14230 shall be dismissed, on consent, without costs; and,
 - (d) That this Offer remain open for acceptance until withdrawn, or until the commencement of the hearing of the Appeal, which ever first occurs.
6.
 - (a) That the agreement between the vendor, Lou Bojin of StrEATables, and City for the provision of food vending services at Turner Farm Park to the end of 1998 be voidable on the condition that the vendor provides a signed discharge and release satisfactory to the City Solicitor; and,
 - (b) That, upon completion of the above, the vendor receive from the City a refund in the amount of \$6,700 of the original \$10,000 paid to the City for the right to provide those food and beverage services.

7. That the City offer to settle all outstanding matters in Ontario Court (General Division) Actions No. 1807/86, 1808/86, 1809/86, 1810/86, 1812/86, 1813/86, 1814/86, 1815/86, 1816/86, 1817/86, 1818/86, 10156/90, 10157/90, 10158/90, 10159/90, 10160/90, 10161/90, 10162/90 and 10163/90 on the following terms:
- (a) That the City will contribute the sum of \$45,500, made up of damages and interest of \$39,000 and costs of \$6,500, to the settlement of these Actions; and,
 - (b) That all Plaintiffs in these Actions be required to provide a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That all of these Actions, together with any Crossclaims and Counterclaims, be dismissed, without costs.
8. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Lazy Flamingo, 19 Hess Street South in conjunction with the Hess Village Merchants Association's "Oktoberfest in the Village" Festival to take place on Thursday, 1996 September 26th to Sunday, 1996 September 29th from 4:00 o'clock p.m. to 2:00 o'clock a.m., and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event.
9. That approval be given to the request of the Hamilton-Wentworth Drug and Alcohol Awareness Committee to use the 2nd Floor Lobby from 1996 November 17 to 23 for a display of general educational materials during Drug and Alcohol Awareness Week.
10. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

482 King William	305 Jackson West
486 Cannon East	133 Birch
51 Fullerton	29 Cumberland
746 Rymal East	30 Linden
61 Fullerton	49 Francis
198 Julian	141 Craigroyston
229 Kenilworth North	707 Rennie
197 West North	16 Hollywood North
861 Queensdale East	193 Prospect South
1 Agnes	

- (b) That the By-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
- 11. That the costs attributed to the 1' Reserve adjacent to the single family lot at the south-west corner of Queen Victoria Drive and Loconder Avenue (No. 607 Queen Victoria Drive) in the amount of \$24,859.07, be financed from the Reserve for Services Through Unsubdivided Lands, Account Centre No. CH 00107.
- 12.
 - (a) That the City engage the services of ABS Bailiff Service for the collection of outstanding business tax accounts effective 1996 October 1; and,
 - (b) That the City engage the services of P.D. Merrell Bailiff Inc. for the collection of business taxes on behalf of the City of Hamilton subject to the Courts providing judicial consent to this firm to practise as bailiffs in the Region of Hamilton Wentworth; and,
 - (c) That the Treasurer be authorized to approve the use of Trust accounts by the bailiffs for depositing taxes collected on the City's behalf in order to minimize the administrative effort required in this area; and,
 - (d) That the City Solicitor be authorized and directed to prepare the necessary agreements for execution; and,
 - (e) That in addition to utilizing bailiffs for the collection of outstanding business taxes, the Treasurer be authorized to use bailiffs for the collection of outstanding realty taxes on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account; and,
 - (f) That the Revised City of Hamilton Business and Realty Tax Collection Procedures be approved, attached herewith and marked Appendix "A".
- 13.
 - (a) That excess funds in the amount of \$283,139.86 from the wind-up of the Ontario Home Renewal Program (OHRP) be credited to the Reserve for Contingency, Account Centre No. CH 00115; and,
 - (b) That the City's cost of the proposed Hamilton Downtown Convert/Renovate-to-Rent Loan Program be financed by the Reserve for Contingency, Account Centre No. CH 00115, in the amount of \$180,000.

14.
 - (a) That the Tax Arrears Certificate registered on the title of 39 Mary Street and Extension Agreement, between the City and MNC Lifecare Group Inc., for the repayment of realty tax arrears on 39 Mary Street be discharged; and,
 - (b) That the City and MNC Lifecare enter into a mutually agreed upon repayment schedule through December, 1997, for the outstanding realty tax on 39 Mary Street and the business tax accounts for 39 Mary Street and 570 King Street West as levied in 1997; and,
 - (c) That the Law Department be authorized and directed to prepare and register the necessary documentation.
15.
 - (a) That the City Clerk, in consultation with the Chairman of the Finance and Administration Committee, be authorized to give approval on requests from the community for uses of the City Hall facilities; and,
 - (b) That the City Clerk provide the Finance and Administration Committee with Information Reports on these approved uses.
16. That a quarter page ad, at a cost of \$100, be placed in the Fall/Winter Newsletter for the Ontario Workers Arts and Heritage Centre in congratulations for their upcoming Opening on 1996 November 8th.
17.
 - (a) That an Offer to Purchase Agreement, duly executed by Michael Miller, on 1996 September 9 and scheduled to close on or before 1996 October 22, for the lands municipally described as 179 Stirton Street, being part of Lot 12, Registered Plan No. 560, Hamilton, having a frontage of 7.01 metres (23.00 feet), along the west side of Stirton Street and a depth of 22.24 metres (72.95 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$34,000, less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque in the amount of \$6,000 be held by the City Treasurer pending Council approval; and,
 - (c) That upon successful completion of this sale, a real estate commission of 5% on the \$34,000 sale price be paid to Re/Max Del Mar Realty Inc. (Sales Representative Danny Stanidis), who acted in this matter; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

- (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 6th day of February 1996; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

- 18. (a) That an Offer to Purchase Agreement, duly executed by Tomislav Sajic on 1996 August 23, and scheduled to close on or before 1996 November 15, for the lands composed of part of Lot 22 on Registered Plan 296, having a frontage of 25.48 metres (83.60 feet) more or less, along the southern limit of Queensdale Avenue East, and a frontage of 25.419 metres (83.40 feet) more or less, along the western limit of Upper Gage Avenue, comprising an area of 915.0 square metres (9,849.30 square feet) more or less, shown as Part 1 on Plan 62R-13352 with all buildings thereon, known municipally as 940 Queensdale Avenue East, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$105,000, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
- (b) That the required deposit cheque in the amount of \$10,000 be held by the City Treasurer pending Council approval; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on 1996 May 3; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

1996 September 24

19. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-51 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-52 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**ALDERMAN D. ROSS, ACTING CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 September 17**

CITY OF HAMILTON
TREASURY DEPARTMENT

REALTY TAX COLLECTION PROCEDURES

1. Realty tax instalment bills are forwarded to the owner or agent of each taxable property in the first weeks of February, March, May and September. The taxpayer has the option in February and May of paying two instalments at once thereby taking advantage of a prepayment discount offered by the City. Alternatively the instalment due dates are the last working days of February, March, June and September.
2. Throughout the year any arrears carried forward from previous current year instalments or outstanding balances from previous years are shown on the tax bill as arrears and included in the total amount due.
3. Personalized letters from the Treasurer or Tax Collector are forwarded in July of each year to all property owners with outstanding accounts in excess of \$20,000.
4. In December of each year reminder notices are sent out to the assessed address and the most recent change of address shown on the City's tax records, for all amounts outstanding greater than or equal to \$25.
- *5. All accounts that will become two years in arrears in January of the following year are sent notices in November of the current year advising of the potential for tax registration procedures on the property.
6. All accounts that will become three years in arrears in January of the following year are sent notices in November of the current year with respect to pending tax registration procedures. The owners are advised to pay that portion of the tax that would become three years in arrears in January.
7. Consideration/use of rent attornment in circumstances where taxes are outstanding and rent continues to be paid to the landlord. **Consider the use of bailiffs for the collection of outstanding realty taxes on accounts on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account.**
8. In January all of those properties that have become three years in arrears and have made no arrangement with the Tax department to remit payment on the account are again notified of the situation. At this point they are advised that the City will proceed to register the property for tax arrears, should no payment be made or arrangement agreed upon.

9. A final notice in the form of a personalized letter from the Treasurer or Tax Collector will be forwarded to the assessed owner prior to the registration of the tax arrears certificate.
10. Once the tax arrears certificate is registered on the property the owner(s) has one full year from date of registration to make payment on the taxes in full. During that year all interested parties as registered on the title of the property, the Sheriff's office and tenants according to the assessment roll are notified of the existing tax arrears certificate on the property.
11. After the one year redemption period expires the file is forwarded to our Law Department to ensure compliance with respect to notification as specified by the act. Once the Law Department verifies that the requirements of the Act have been carried out they advise the Tax section to proceed with the sale of the property.
12. The property is sold and upon completion of the sale the tax arrears are paid from the proceeds and the balance is forwarded to the court. Any balance remaining after the court satisfies any other lien holders on the property can be recovered by the original owner after their application to the court.

*Recommended revisions to collection procedures not implemented to date

1996 September 24

CITY OF HAMILTON
TREASURY DEPARTMENT

BUSINESS TAX COLLECTION PROCEDURES

1. During the first weeks of February and May of each year, business tax bills for the pre-levy and levy instalments are forwarded to each business tax account as they appear on the most recently returned assessment roll. These bills are due on the last working day of the month in which they are levied.
2. Staff will attempt to make personal contact by telephone with the business taxpayers having outstanding accounts in excess of \$5,000. in an effort to collect these accounts or make satisfactory arrangements.
3. Fifteen days after the pre-levy due date, a "final notice" is forwarded to all business tax accounts where the current year taxes remain outstanding. Accounts with prior years' arrears which have been previously assigned to a bailiff or collection agency will not receive a "final" notice. For these accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.
4. **Fifteen days after the "final notice" is issued for the February pre-levy, warrants are issued to the bailiffs for all accounts that are in arrears in excess of \$ 1,000. The bailiffs will notify the City of any accounts which are out of business in order that staff can take the appropriate action including forwarding the account to the collection agency if further collection action is required.**
5. All other accounts that are not paid, confirmed out of business, or have not entered into an acceptable payment arrangement are forwarded to the collection agency on the "special program" in the first week of the month following the sending of the "final notice". During the next thirty day period each account on the program receives a notice from the collection agency and are contacted by phone.
6. The outstanding balances from the pre-levy billing are included in the May levy billing, and appear as arrears on those bills with a message indicating that arrears are to be paid to the bailiff or the collection agency.
7. **A "final notice" will be issued fifteen days after the levy due date for those accounts with no previous arrears. A final notice will not be issued to those accounts with outstanding arrears. For those accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.**

Fifteen days after the "final notice" is issued for the May levy, warrants will be produced and issued to the bailiffs for all accounts that are in excess of \$ 1,000. The bailiffs will notify the City of out of business accounts in order that staff can take the appropriate action including collection action if appropriate.

The balance of the outstanding accounts which are less than \$ 1,000 will be forwarded to the collection agency on the "special program".

8. Following the July "special program", a reconciliation of accounts collected and outstanding is computed and the outstanding accounts are redirected to the collection agency for regular collection. At this juncture the collection agency works the accounts until:
 - a) They are collected.
 - b) It is confirmed that the business has ceased operation at this address, thereby requiring a tax appeal.
 - c) The agency recommends legal action and requested permission to proceed with same.
 - d) Alternate payment arrangements (e.g. post-dated cheque) are agreed.
 - e) The agency recommends the account be written off as uncollectible.
9. As accounts are processed through the tax or assessment appeal systems, credits are applied to the accounts in accordance with the direction of the respective authoritative bodies.
10. **Utilize the services of bailiffs to make seizures, if necessary, where the collection agency is unable to enforce collection and the business continues to operate.**
11. As they are approved by City Council credits are applied to the accounts for recommended write offs.

1996 September 6
/TWD

**NOTICE OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION
(from previous meeting held 1996 June 25)

Moved by: Mayor Morrow

Seconded by: Alderman

That the Prime Minister of Canada be commended for his initiating discussion of another National Infrastructure Program and that the Government of Ontario be encouraged to participate fully in a new program.

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 SEPTEMBER 24
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic** passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*MacNab	Northbound	Colbourne
Jackson	Westbound	Pearl
Fernwood	Eastbound and Westbound	Castlefield."

2. **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Somerset	South	commencing at Barnesdale and extending 32 feet westerly therefrom	Anytime
Chedmac	South	commencing 600 feet west of Rice and extending 77 feet westerly therefrom	Anytime
Chedmac	South	commencing 870 feet west of Rice and extending 83 feet westerly therefrom	Anytime

3. **Schedule 35 (Wheelchair Loading Zones)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Rifle Range	East	40 feet	commencing 256 feet south of Whitney	7:00 am - 6:00 pm Monday to Saturday
Delena	West	23 feet	commencing 195 feet south of Main	8:00 am - 5:00 pm."

and by deleting therefrom the following item, namely:-

"Rifle Range	East	30 ft.	commencing at a point 266 feet south of Whitney	7:00 a.m. - 6:00 p.m. Monday to Saturday."
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PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 25 (Parking Time Limits) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Summit	West	from 154 feet north of Concession to 41 feet northerly	2 hr	8 am - 6 pm	Mon - Sat
Gladstone	East	Main to Delaware	2 hr	8 am - 8 am (24 hr)	Mon - Fri."

2. Schedule 26 (No Parking Areas) of said By-law is hereby amended by adding thereto the following items, namely:-

"Gladstone	West	Main to Delaware	Anytime
Locheed	West	Paris to 90 feet southerly	Anytime."

3. Schedule 27 (Alternate Side Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Gladstone Avenue Cumberland Avenue to Delaware Avenue	West	East
Knyvet Avenue Inverness Avenue to Kelso Street	East	West
Kelso Street Highcliffe Avenue to Knyvet Avenue	South	North
Rochelle Avenue Queen Victoria Drive to Stone Church Road East	West	East."

and by deleting therefrom the following item, namely:-

"Gladstone Avenue Cumberland Avenue to Main Street East	West	East."
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4. Schedule 34 (Sticker Permit Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Paling	East	commencing 603 feet south of Barton and extending 27 feet southerly therefrom	Anytime
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Keith	North	commencing 116 feet east of Emerald and extending 18 feet easterly therefrom	Anytime
Francis	South	commencing 180 feet east of Douglas and extending 17 feet easterly therefrom	Anytime
Dunsmure	North	commencing 96 feet east of Park Row and extending 19 feet easterly therefrom	Anytime
Dunsmure	South	commencing 102 feet east of Park Row and extending 18 feet easterly therefrom	Anytime
Fairfield	East	commencing 26 feet south of Vansitmart and extending 20 feet southerly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

"Maplewood	South	commencing at a point 76 feet west of Cedar to a point 18 feet westerly therefrom	Anytime
Fairfield	East	commencing at a point 26 feet south of Vansitmart Avenue and extending to a point 40 feet southerly therefrom	Anytime."

PASSED this

day of

A.D. 1996.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 16, ON PLAN 62R-6257
INTO QUEEN VICTORIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Queen Victoria Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Queen Victoria Drive.

Part Lot 6, Concession 7, in the geographic township of Barton, designated as Part 16, on Plan 62R-6257.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law Nos. 84-252, 93-243, 87-55 and 93-167

TO REDUCE VARIOUS FEE BY-LAWS FOR THE DOWNTOWN AREA

WHEREAS Section 42 of the Planning Act R.S.O. 1990, Chapter P.13 authorizes a Council of a municipality to enact a by-law to require the conveyance of land for park purposes as a condition of development or redevelopment of lands for residential purposes;

AND WHEREAS Council, on November 27, 1984 enacted By-law No. 84-252 which requires a conveyance of five percent of the land being developed or the value of the land otherwise required to be conveyed to the City;

AND WHEREAS Council, on August 27, 1996, in adopting Section 19 of the 13th Report of the Planning and Development Committee, authorized a moratorium of the Five Percent Land Dedication Fee, Building Permit Fee, Committee of Adjustment Fee and specified Planning Fee, for lands developed in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, if a Building Permit is issued prior to September 1, 1999;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 84-252 is further amended by the addition of the following section:
 - 4.B (1) Despite any other section of this By-law, no conveyance of five percent of the land being developed, or payment of the value of that land to the City, shall be required if,
 - (i) the land being developed is located in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue;
 - (ii) a Building Permit to build upon the land is obtained prior to September 1, 1999;
 - (2) This section shall be repealed on September 1, 1999.
2. By-law No. 93-243 is amended by the addition of the following section:
 7. (1) Despite any provision of this By-law, the fees for Official Plan Amendments, Zoning Applications, and Site Plan Applications may be refunded to a Building Permit applicant if,
 - (i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and
 - (ii) the fee was paid after August 27, 1996, and
 - (iii) a Building Permit to build upon the land is issued prior to September 1, 1999.
 - (2) This section shall be repealed on September 1, 1999.

3. (1) By-law No. 87-55 is amended by the addition of the following section:
 5. Despite any provision of this By-law, the Committee of Adjustment Application Fee may be refunded to a Building Permit applicant if,
 - (i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and
 - (ii) the fee was paid after August 27, 1996, and
 - (iii) a Building Permit to build upon the land is issued prior to September 1, 1999.
 - (2) This section shall be repealed on September 1, 1999.
4. (1) By-law No. 93-167 is amended by the addition of the following section:
 - 9.A. Despite any provision of this By-law the fees for Building Permits, Demolition Permits, Zoning/Property Reports and Inspection may be refunded to a Building Permit applicant if,
 - (i) land being developed is in the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue, and
 - (ii) the fee was paid after August 27, 1996, and
 - (iii) a Building Permit to build upon the land is issued prior to September 1, 1999.
 - (2) This section shall be repealed on September 1, 1999.
5. Subsection 4.A(3) of By-law No. 84-252 is repealed and replaced with the following:
 - 4.A (3) This section shall be repealed on August 2, 1997.

PASSED this _____ day of _____ 1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Repeal:

By-law No. 87-108

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2774 KING STREET EAST

WHEREAS By-law No. 87-108, passed on the 14th day of April 1987, designated the land located at Municipal No. 2774 King Street East, more particularly described in Schedule "A" attached hereto, as property of historic and architectural value and interest, pursuant to subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337, [now R.S.O. 1990, Chapter O.18];

AND WHEREAS City Council, in adopting Section of the 14th Report of the Planning and Development Committee at its meeting held on the 24th day of September 1996, directed that By-law No. 87-108 be repealed pursuant to Section 34 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 87-108 is hereby repealed.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law to be registered against the property described in Schedule "A" attached hereto, in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 96-

2774 King Street East, Hamilton, Ontario

PINS 18209-0001 to 18209-0022.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth, in the Province of Ontario, being part of Parcel Plan - 1, Section 62M-480, being composed of the easterly thirty metres of the northerly thirty-nine metres of Block 36, Registered Plan 62M-480.

BEING PART OF THE PINS.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

**THE PROPERTY KNOWN AS ST. GEORGE'S ANGLICAN CHURCH
AND SUNDAY SCHOOL
LAND LOCATED AT MUNICIPAL NO. 137 STRATHCONA AVENUE NORTH
(10 TOM STREET)**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as St. George's Anglican Church and Sunday School, located at Municipal No. 137 Strathcona Avenue (10 Tom Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this

day of

A.D. 1996

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 96-

St. George's Anglican Church and Sunday School
137 Strathcona Avenue (10 Tom Street), Hamilton, Ontario

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth
and being composed of:

FIRSTLY: Part of Lots 42 and 43 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey in the said City of Hamilton, and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 79 feet northerly from the south-east angle of Lot 41 in the said survey;

THENCE northerly along west limit of Strathcona Avenue, 36 feet to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet easterly from the west limit of said Lot 43, which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 36 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 106670 N.S. which point is distant 79 feet from the north limit of Tom Street.

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet ore or less to the place of beginning;

SECONDLY: Parts of Lots Numbers 41 and 42 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 50 feet northerly from the south-east angle of said Lot 41;

THENCE northerly along the west limit of Strathcona Avenue, 29 feet more or less to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet more or less easterly from the west limit of said Lot 42, and which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 29 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 44837; which point is distant 50 feet more or less from the north limit of Tom Street;

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet more or less to the place of beginning.

THIRDLY: Part of Lots Number 41, 42 and 43 fronting on Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport and York Streets, more particularly described as follows:

COMMENCING at a point in the northerly margin of Tom Street which point is distant 100 feet more or less westerly from the north-west corner of Sophia and Tom Street;

THENCE northerly parallel with Sophia Street, 150 feet more or less to the northerly boundary of said Lot 43;

THENCE westerly along the northerly boundary of said Lot 43, 50 feet more or less to the north-west angle of said Lot 43;

THENCE southerly along the westerly boundary of said Lots 41, 42 and 43, 150 feet more or less to Tom Street;

THENCE easterly along the northerly margin of Tom Street, 50 feet more or less to the place of beginning;

FOURTHLY: the southerly part of Lot Number 41 in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) according to the plan of survey made for Sir Allan N. McNab more particularly described as follows:

COMMENCING on the south easterly corner of the said Lot;

THENCE northerly along the westerly boundary of Strathcona Avenue (formerly Sophia Street), 50 feet to a post;

THENCE westerly parallel to Tom Street, 100 feet to a post;

THENCE southerly parallel to Strathcona Avenue (formerly Sophia Street), 50 feet to the northerly margin of Tom Street;

THENCE easterly along Tom Street to the place of beginning;

All as described in Instrument No. VM211074.

Schedule "B"

to

By-law No. 96-

Former St. George's Anglican Church and Sunday School

137 Strathcona Avenue North
(10 Tom Street, Hamilton)

Context

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundurn Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evel Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday school. Set back from Tom Street, the Sunday school building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday school layout consists of a large, two-storey open room containing classrooms and a mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accommodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

History

Opened as St. George's Chapel of Ease, the church was built to serve parishioners in the west end of the Parish of All Saints. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sanctuary, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday school, including walls, windows, and the interior open space with its classrooms and mezzanine.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1232 UPPER GAGE AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10E.(7)(a)(i) of Zoning By-law No. 6593, not more than 7 single-family dwelling units shall be permitted; and,
- (b) notwithstanding Section 18A(14g) of Zoning By-law No. 6593, the required parking area may be located in a required front yard; and,
- (c) notwithstanding Section 18A(25) of Zoning By-law No. 6593, the access driveway shall be located not less than 1.5 m from the southerly side lot line, and not less than 1.5 m from the westerly rear lot line, for a distance not to exceed 3.0 m; and,

- (d) a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire westerly rear lot line; and,
- (e) a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire southerly side lot line, while the adjacent lands are used for the purpose of the existing single family dwelling only.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1365.

5. Sheet No. E-38B of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1365.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

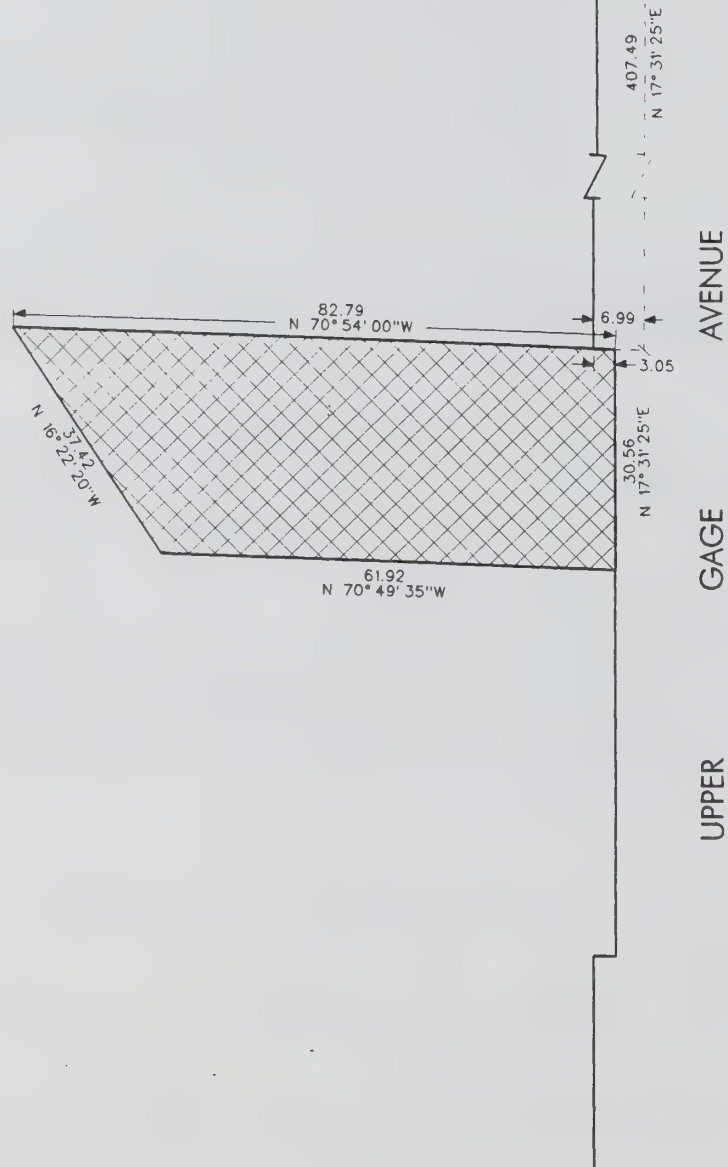
A.D. 1996

CITY CLERK

MAYOR

LIMERIDGE ROAD EAST

NORTHEAST CORNER OF
LOT 7, CONCESSION 7



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A
Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"C" (Urban Protected Residential,
etc.) District to: "RT-20" (Townhouse-
Maisonette) District, Modified.

North



Scale
Not to Scale

Date
September 1996

Reference File No.
ZAC-96-08

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Repeal By-law No. 94-129
To Adopt Official Plan Amendment No. 127

Respecting:

**LANDS LOCATED ON THE WEST SIDE OF WALNUT STREET,
NORTH OF FOREST AVENUE,
AND KNOWN MUNICIPALLY AS NO. 180 WALNUT STREET
WITHIN THE CORKTOWN NEIGHBOURHOOD**

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 94-129 on the 26th day of July 1994 to adopt Official Plan Amendment No. 127 respecting lands located on the west side of Walnut Street, north of Forest Avenue, and known municipally as No. 180 Walnut Street within the Corktown Neighbourhood;

AND WHEREAS the Ontario Municipal Board, in its Decision dated the 14th day of August 1996, (Files No. O950106, R950001), did not approve Official Plan Amendment No. 127;

AND WHEREAS it is expedient to repeal By-law No. 94-129 as it is no longer applicable to the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 94-129 is hereby repealed.

PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 4A, June 28
Ontario Municipal Board Decision,
dated August 14, 1996
Ivo Civitarese et al, Owner
ZAC-94-03

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Adopt:

Official Plan Amendment No. 135

Respecting:

**LANDS BOUNDED BY SCENIC DRIVE, MOHAWK ROAD WEST,
MAGNOLIA DRIVE, RICE AVENUE AND SANATORIUM ROAD
WITHIN THE MOUNTVIEW NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 135 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 10 R.P.D.C. 3, June 25
Chedoke Health Corporation, Owner
City Initiative OPA-MTV

Amendment No. 135
to the
City of Hamilton Official Plan

The following text, together with Schedules "A" and "J-1", attached hereto, constitutes Official Plan Amendment No. 135.

Purpose:

The purpose of this Amendment is to redesignate a portion of the vacant lands surrounding Chedoke Hospital situated within the Mountview and Westcliffe West Neighbourhoods from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE and to implement the Chedmac Planning Area Secondary Plan for these lands. The Chedmac Planning Area Secondary Plan provides more detailed policies and information to facilitate the appropriate development of this planning area.

Location:

The subject lands are bounded to the north by Scenic Drive, to the south by the existing residential development abutting Mohawk Road West, to the west by Magnolia Drive, and to the east by Rice Avenue and Sanatorium Road. The subject lands represent the Chedoke McMaster hospital lands and are generally centred within the Mountview Neighbourhood while a portion of these lands are situated within the Westcliffe West Neighbourhood. These lands comprise a total area of approximately 66 hectares (163 acres).

For the purpose of this Amendment, the lands subject to this Amendment are referred to as the *Chedmac Planning Area*. Schedules "A" and "J-1" attached to and forming part of this Amendment identify the location of the lands affected by this Amendment and provide the specific Land Use Plan for the subject *Chedmac Planning Area*.

Basis:

The City of Hamilton Official Plan designates all of the *Chedmac Planning Area* as MAJOR INSTITUTIONAL. Residential uses are permitted within this MAJOR INSTITUTIONAL designation; however, the Official Plan provides no further classification of residential development. In this regard, in order to define more specific residential densities and appropriately locate these defined residential densities in the *Chedmac Planning Area*, an amendment to the Official Plan is required.

The City of Hamilton is divided geographically into *Neighbourhoods*. Neighbourhood Plans function as land use guides in the City of Hamilton. In the past, the City of Hamilton has not formally adopted these Neighbourhood Plans as Official Plan Amendments. While these Neighbourhood Plans do not maintain the planning status of a Secondary Plan, they function as Secondary Plans in that they provide more specific land use designations and policies at a neighbourhood level.

Therefore, this Amendment is to redesignate a portion of the *Chedmac Planning Area* from MAJOR INSTITUTIONAL to RESIDENTIAL and formally implement the *Chedmac Planning Area Secondary Plan* through a Secondary Plan. In addition, in order to provide for an expansion to an existing park facility, part of these lands are to be redesignated to OPEN SPACE.

In this manner, this Amendment serves to provide more specific and detailed development policies for the *Chedmac Planning Area*, whereby development will ultimately proceed on the basis of approved plans of subdivision and subsequent zoning by-law amendments.

Through a proper planning process including the preparation, collection and analysis of pertinent planning documents, studies and background information; and input from the pertinent agencies and the public, the *Chedmac Planning Area Secondary Plan* was prepared. This Secondary Plan provides more detailed policies and information to refine and amplify the RESIDENTIAL Official Plan policies to facilitate the appropriate development of this Planning Area.

This Amendment can be supported on the basis that the average population density for the Mountview Neighbourhood, including the *Chedmac Planning Area* will not exceed ninety (90) persons per gross hectare, pursuant to the Official Plan; the proposed height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area, pursuant to the Official Plan; the proposed housing types will contribute to a desirable mix of housing in the Neighbourhood; the Amendment is in compliance with the policies of the City of Hamilton Official Plan; the proposed form of development is compatible with the adjacent Neighbourhood Plan designations; and the Amendment implements the *Chedmac Planning Area Secondary Plan*.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the City of Hamilton Official Plan is hereby amended by changing the land use designation for part of the vacant lands surrounding Chedoke Hospital generally located north of Mohawk Road West and west of Upper Paradise, and as more particularly shown on the attached Schedule "A", from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE.
- 2) The City of Hamilton Official Plan is hereby amended by adding the attached Schedule B, to be incorporated at Schedule "J-1" - Chedmac Planning Area Secondary Plan, to the official Plan.

3) The text of the City of Hamilton Official Plan is hereby amended as follows:

- (a) Section D.2 - Planning Units and Neighbourhood Plans is hereby amended by adding the following policy:

"D.2.12 Where Council deems appropriate, Secondary Plans to this Official Plan may be established for planning units. Secondary Plans will be incorporated into Section A.6 of this Plan."

- (b) Policy D.8.2 is hereby amended to include Schedule "J-1" in the first sentence so that the entire clause reads as follows:

"The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G", "H", and "J-1" are only intended to be general and not to define the exact limits of any land use or policy".

- (c) Section A - LAND USE AND MANAGEMENT STRATEGY is hereby amended by adding a new Subsection A.6 - Secondary Plans which shall read as follows:

"Section A.6 - Secondary Plans

It is intended that, where appropriate, Council will adopt Secondary Plans to this Official Plan that provide specific details with respect to the type and density of development, road patterns, and servicing. The Secondary Plans are attached as Schedule "J" (and its components to this plan); specific policies are detailed in this Subsection.

6.1 Chedmac Planning Area

For those lands shown on Schedule "J-1" - Chedmac Planning Area Secondary Plan, generally located north of Mohawk Road West and west of Upper Paradise, the following objectives and policies shall apply.

6.1.1 Objectives

The following Objectives constitute the fundamental guidelines which shall direct the development of the *Chedmac Planning Area*:

- i) To create residential areas consisting of a range of housing types and densities to satisfy a range of housing needs;
- ii) To provide a variety of housing at a range of prices including affordable residential units;

shall be located adjacent to existing low density residential development situated in the most northern portion of the *Chedmac Planning Area* and adjacent to Magnolia Drive.

- (3) *Medium Density Residential* development shall be comprised of a variety of multiple dwelling unit types including townhouse dwellings, stacked townhouse dwellings and apartment dwelling units. The density range for medium density residential development shall be 30 to 100 units per gross hectare (12 to 40 units per gross acre). Medium Density residential development shall be defined as either *Medium Density I* or *Medium Density II*. All medium density residential development shall be subject to site plan control.
 - (4) *Medium Density I* residential development shall consist of townhouse dwelling units at a gross residential density of 30 units per gross hectare (12 units per gross acre).
 - (5) *Medium Density II* residential development shall consist of townhouse dwelling units, stacked townhouse dwelling units or a retirement home to a maximum height of 6 storeys. The maximum density permitted shall be 60 units per gross hectare (24 units per gross acre).
- b) The lands designated *Low Density Residential* abutting existing residential development at the northern limit of *Chedmac Planning Area* shall not exceed a maximum density of 14 units per gross hectare (5.5 units per gross acre). The minimum lot frontage for these lands shall not be less than 15 metres. It is intended that no direct vehicular access from these lands to the abutting residential development fronting San Pedro Drive will be provided.

- c) Residential development shall be located to ensure a gradation of residential densities.
- d) Residential development adjacent to existing MAJOR INSTITUTIONAL facilities may be subject to a noise study.

ii) *Major Institutional*

It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, Subsection A.2.6 -Major Institutional Uses of this Plan and the following policies:

- a) New major institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New major institutional recreational facilities shall be designed in a comprehensive manner with existing recreational facilities.
- c) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals shall be designed to mitigate any negative impact on adjacent residential development.

iii) *Parkland*

- a) The existing municipal parklands adjacent to the *Chedmac Planning Area* situated within the Mountview Neighbourhood shall be expanded to include the lands designated Parkland on the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, to satisfy the parklands needs of the *Chedmac Planning Area* and the Mountview Neighbourhood.
- b) The expanded parkland shall provide an open space linkage from the existing neighbourhood to the recreational facilities located within the *Chedmac Planning Area*.

iv) *Transportation* :

It is intended that a safe and efficient road network be established in the *Chedmac Planning Area* in accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, Subsection B.3 - CIRCULATION AND MOVEMENT SYSTEM of this Plan and the following policies:

- a) The public road system will provide an efficient, practical and safe pattern to accommodate the movement of people within the *Chedmac Planning Area*.
- b) It is intended that the design of the internal public road system in the *Chedmac Planning Area*, as shown on the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan shall be used as a guideline, and as such, some flexibility regarding the final alignment of the internal public roads is permitted.
- c) It is intended that Chedmac Drive be established as the collector road to access existing and new development within the *Chedmac Planning Area*.
- d) It is intended that Chedmac Drive will function as a road around those lands designated MAJOR INSTITUTIONAL connecting Rice Avenue to Scenic Drive and facilitating the function and operation of the Chedoke-McMaster Hospitals as a separate and distinct facility.
- e) It is intended that Rice Avenue and Chedmac Drive will be designed to provide a more efficient and desirable transportation system, pursuant to Schedule "J-1" - Chedmac Planning Area Secondary Plan.
- f) No direct vehicular access will be permitted from block townhouse/apartment development to Chedmac Drive. Access will be provided via a local road as shown on Schedule "J-1" - Chedmac Planning Area Secondary Plan.

- g) The intersections of Rice Avenue and Chedmac Drive, and Chedmac Drive and Sanatorium Road shall be redesigned to provide a more efficient and safe access to Chedmac Drive, while discouraging through traffic from Scenic Drive and Sanatorium Road.
- h) No direct road access from Chedmac Drive to Magnolia Drive shall be permitted.
- i) The extension of Miller Avenue and Beamis Avenue through to the *Chedmac Planning Area* shall not be permitted.
- j) Development may be subject to traffic studies, as required.

v) *Engineering Services*

Engineering Services within the *Chedmac Planning Area* shall be provided in accordance with Subsection B.2 - ENGINEERING SERVICES of this Plan and the following specific policies:

- a) Design for stormwater management will ensure that the stability of the Escarpment Brow and Escarpment slopes and the quality and quantity of Escarpment streams and water supplies are not endangered.
- b) Stormwater detention ponds shall be designed as off-stream devices, to operate under major storm conditions as part of a stormwater management plan. The stormwater management plan will include remedial works to stabilize the existing radial right-of-way culvert.
- c) Development within the *Chedmac Planning Area* shall not proceed until such time as an overall stormwater management report has been prepared to the satisfaction of the appropriate agencies.
- d) A storm water detention pond shall be established in the *Chedmac Planning Area* in accordance with the attached Schedule "J-1" - Chedmac Planning Area

Secondary Plan. Lands required for the storm water detention pond shall be dedicated to the City of Hamilton by the developer."

Notwithstanding Subsection A.2.1, the area west of the Stormwater Detention Pond as shown on Schedule "J-1", approximately 1.5 hectares in size, will only be used for residential purposes in accordance with Policy A.6.1.2i)a)ii) upon being deemed, by the Regional Municipality of Hamilton-Wentworth, not necessary for inclusion within the Stormwater Detention Pond.

Implementation:

This Amendment will be implemented by the *Chedmac Planning Area Secondary Plan* and an amendment to the Mountview Neighbourhood Plan. This Amendment will be further implemented through the City's Comprehensive Zoning By-law No. 6593, subdivision-control and site plan control.

This is Schedule "1" to By-law No. _____, passed on the _____ day of _____, 1996.

The Corporation of the
City of Hamilton

City Clerk

Mayor

to the
official plan
for the
city of hamilton

Legend

area to be redesignated to "Residents"

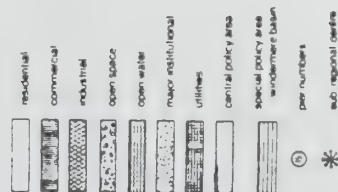
due to
July 1996

Like Ontario

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

land use concept

legend



schedule A
to the official plan
for









Chedmac Planning Area Secondary Plan

AREA	REFER TO POLICY
Area 1	-----A.6.1.2(v)
Area 2	-----A.6.1.2(i)
Area 3	-----A.6.1.2(i)
Area 4	-----A.6.1.2(iii)
Area 5	-----A.6.1.2(i)
Area 6	-----A.6.1.2(i)
Area 7	-----A.6.1.2(iii)

Legend

Land Use Designations

-  Low Density Residential
-  Medium Density Residential I
-  Medium Density Residential II
-  Park and Open Space
-  Stormwater Pond
-  Institutional

--- Secondary Plan Boundary

schedule J-1

to the official plan
for
the city of Hamilton

August 06 1996



MOHAWK ROAD WEST

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS BOUNDED BY RICE AVENUE, MOHAWK ROAD WEST,
MAGNOLIA DRIVE, AND SCENIC DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 135, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. W-36 and W-37 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District, the land comprised in Block 1;
- (b) by changing from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, the land comprised in Block 2;
- (c) by changing from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, the land comprised in Block 3;
- (d) by changing from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, the land comprised in Block 4; and
- (e) by changing from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District, the land comprised in Block 6,

the extent and boundaries of each of which Blocks 1, 2, 3, 4, 5 and 6 are shown on a plan hereto annexed as Schedule "A".

2. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E. of Zoning By-law No. 6593, applicable to the lands comprised in Block 3 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building or structure shall exceed one and one-half (1 1/2) storeys and 9.5 m (31.16 feet) in height;
- (b) notwithstanding Section 10E.(2) of Zoning By-law No. 6593, a community centre with a capacity of not greater than sixty persons, only to be used in conjunction with and accessory to the principal use shall be permitted.

3. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C. of Zoning By-law No. 6593, applicable to the lands comprised in Block 4 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10C.(1) of Zoning By-law No. 6593, only one of the following uses shall be permitted:
 - (i) a Home for Elderly Persons, restricted to housekeeping units with or without culinary space, in a building of not greater than six storeys in height; or
 - (ii) townhouse dwelling units subject to Section 10E. of Zoning By-law No. 6593 and the provisions of Section 2(a) of this by-law;
- (b) in addition to the permitted use specified in Section 3.(a)(i) of this by-law, an amenity centre of not less than 500 square metres, accessory to the residential use specified in Section 3.(a)(i) of this by-law, shall be required,
 - (i) for the purposes of this by-law, "Amenity Centre" shall include one or more of the following uses:
 1. Administrative offices;
 2. Chapel;
 3. Library;
 4. Activity and Exercise rooms;
 5. Lounges;
 6. Dining Room;
 7. Variety store;
 8. Hairdresser;
 9. Barber Shop.

4. The "AA" (Agricultural) District provisions, as contained in Section 7A. of Zoning By-law No. 6593, applicable to the lands comprised in Blocks 5 and 6, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 7A.(1) of By-law No. 6593, only the following uses shall be permitted:
 - (i) a public and private hospital and accessory uses thereto;
 - (ii) a day nursery;

- (iii) a public parking lot in accordance with the regulations of Section 13C. of Zoning By-law No. 6593;
 - (iv) a residential care facility for not greater than 40 persons;
 - (v) a sanatorium;
 - (vi) medical offices;
 - (vii) laboratory;
- (b) notwithstanding Section 7A.(2) of Zoning By-law No. 6593, the following height restrictions shall apply:
- (i) except as provided in clause (b)(ii), where a building or structure is distant not greater than 30.0 metres from a Residential District as specified in Section 2.(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed three storeys;
 - (ii) where a building or structure is distant not less than 30.0 metres from a Residential District as specified in Section 2.(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed six storeys;
- (c) Section 18.(2)(iia) of Zoning By-law No. 6593 shall not apply to Blocks 5 and 6.

5. (a) The 'H' symbol referred to in section 1.(b) shall be removed conditional upon the following being fulfilled:

- (i) servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department; and,
- (ii) approval of a draft plan of subdivision has been granted by the Regional Municipality of Hamilton-Wentworth.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1.(b) may at such time proceed in accordance with the "C" District provisions.

6. (a) The 'H' symbols referred to in section 1.(c) and 1.(d) shall be removed conditional upon the following being fulfilled:

- (i) servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department; and,
- (ii) completion of noise mitigation measures, to the satisfaction of the Ministry of Environment and Energy, to address noise generated from the hospital laundry facility.

(b) The 'H' symbols shall be removed by amendment to this by-law and the development of the lands referred to in section 1.(c) and 1.(d) may at such time proceed in accordance with the "RT-20" District and "DE-3" District provisions, subject to the special requirements referred to in sections 2 and 3 of this by-law.

7. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District, "C" District, "DE-3" District and "RT-20" District provisions, subject to the special requirements referred to in sections 2, 3, 4, 5 and 6.

8. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1363.

9. Sheets No. W-36 and W-37 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1363.

10. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 10 R.P.D.C. 3, June 25
Chedoke Health Corporation, Owner
City Initiative OPA-MTV



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-----
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 96-----
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning:

- BLOCK 1 From "AA" (Agricultural) District to "A" (Conservation, Park, Recreation and Open Space) District
- BLOCK 2 From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District
- BLOCK 3 From "AA" (Agricultural) District to "RT-20" - 'H' (Townhouses - Maisonette - Holding) District, modified
- BLOCK 4 From "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified
- BLOCK 5 Modification to the established "AA" (Agricultural) District regulations
- BLOCK 6 From "B" (Suburban Agricultural and Residential) District to "AA" (Agricultural) District, modified

North

Scale
NOT TO SCALE

Date
August 1996

Reference File No.
OPA 135
Drawn By
W. B.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Establish:

Site Plan Control

Respecting:

**LANDS BOUNDED BY RICE AVENUE, MOHAWK ROAD WEST,
MAGNOLIA DRIVE, AND SCENIC DRIVE**

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

159. Lands bounded by Rice Avenue, Mohawk Road West, Magnolia Drive, and Scenic Drive, shown on Appendix 159 hereto annexed and forming part of this by-law.

2. Appendix 159 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this

day of

A.D. 1996

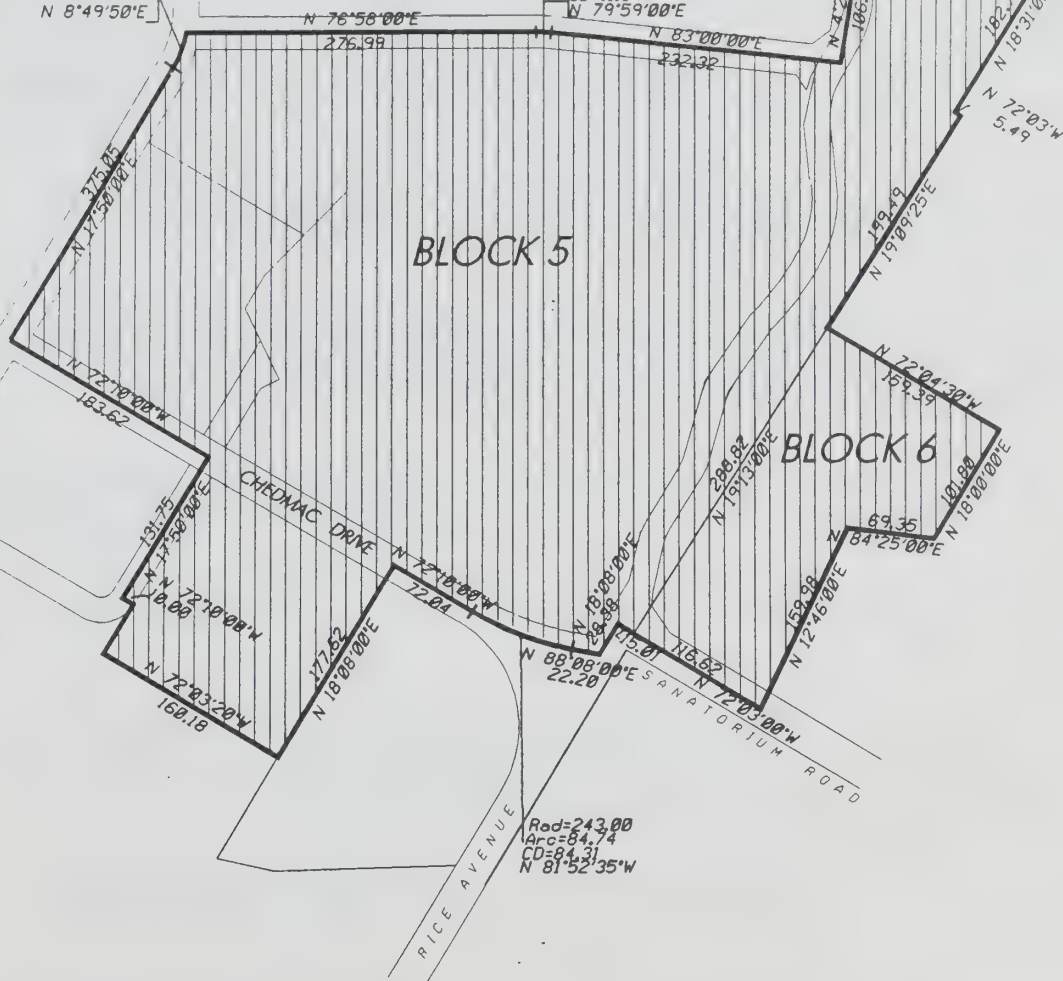
CITY CLERK

MAYOR

Rad=93.00
Arc=29.23
CD=29.11
N 8°49'50"E

Rad=113.00
Arc=11.90
CD=11.89
N 79°59'00"E

N 73°07'55"E
CD=170.04
Rad=223.36
Arc=174.44



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

Clerk

Mayor

City of Hamilton

Appendix 159 to By-Law No. 79-275 to Amend By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990

North



Scale
NOT TO SCALE

Date
August 1996

Reference File No.

OPA 135

Drawn By

W. B.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED ON THE NORTH SIDE OF BARTON STREET EAST,
EAST OF MUNICIPAL NO. 244 LAKE AVENUE NORTH**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7. of Zoning By-law No. 6593, applicable to the lands comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that:

- (a) Notwithstanding Section 7.(1) of Zoning By-law No. 6593, a parking area only as an accessory use to the permitted uses at No. 244 Lake Avenue North, shall be permitted; and,
- (b) Sections 18A.(11) and 18A.(12) of Zoning By-law No. 6593 shall not apply to a parking area accessory to a permitted use at No. 244 Lake Avenue North.

2. The "JJ" (Restricted Light Industrial) District provisions, as contained in Section 16A. of Zoning By-law No. 6593, applicable to the lands comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that:

- (a) Notwithstanding Section 16A.(1) of Zoning By-law No. 6593, a parking area only as an accessory use to the permitted uses at No. 244 Lake Avenue North, shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" District and "JJ" District provisions, subject to the special requirements referred to in sections 1 and 2, respectively.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1369.

5. Sheet No. E-113 of the District Maps, appended to and forming part of By-law No. 6593, is amended by marking the lands referred to in section 1. and 2. of this by-law, S-1369.

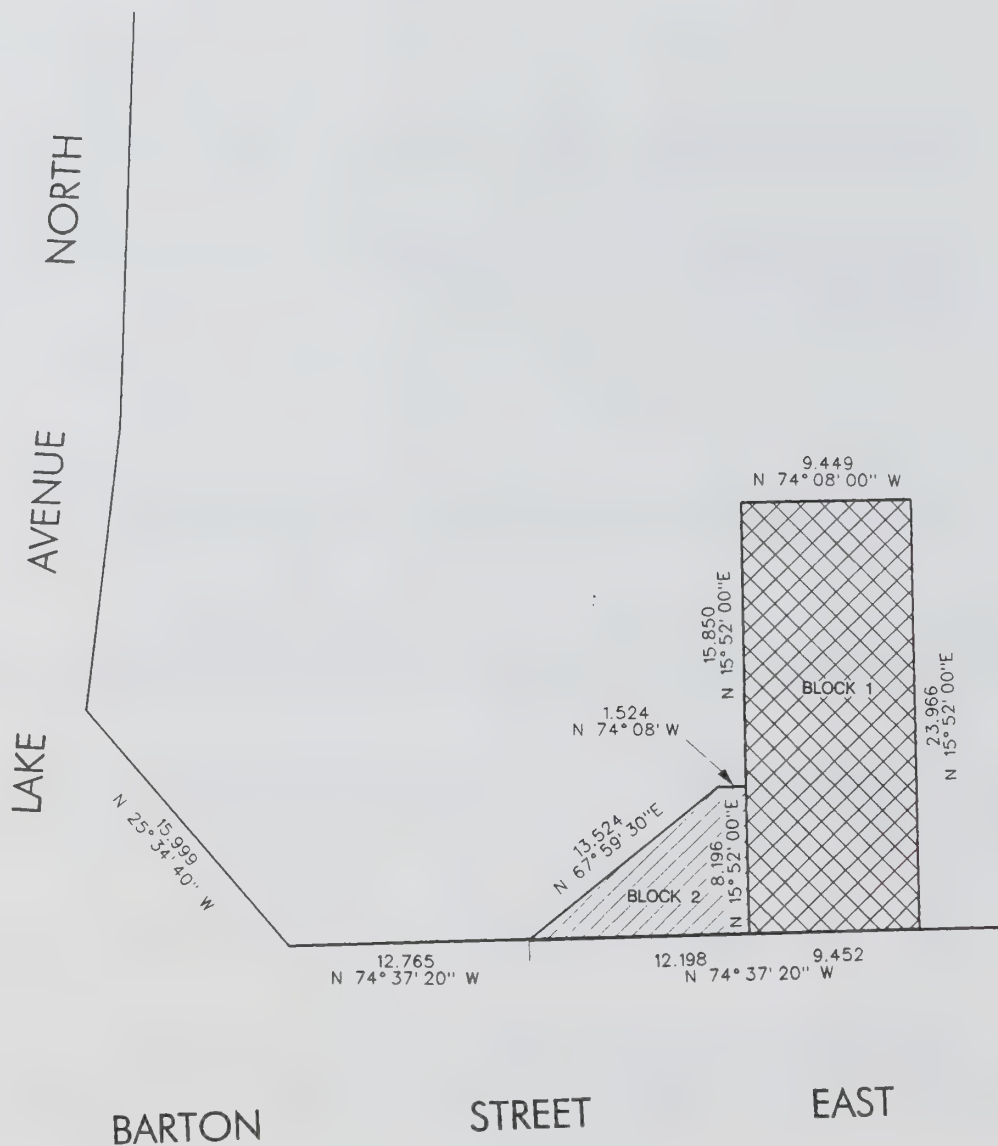
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1996.

CITY CLERK

MAYOR

(1996) 14 R.P.D.C. 2 , September 24
Richter, E.L., lessee
Amended ZAR-96-10



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
 Passed the day of, 1996.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 96-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend

Modification to the established:



"A" (Conservation, Open Space,
 Park and Recreation) District.



"JJ" (Restricted Light Industrial) District.

North

40



Scale
 Not to Scale

Date
 September 1996

Reference File No.
 ZAC-96-10

Drawn By
 R.L.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.96-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1996, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	482 KING WILLIAM STREET 03 02135 4200 PLAN 43 PT LOT 17, PT LOT 18 27 NOVEMBER 1995 VM221845 27 NOVEMBER 1996	\$9,286.13
B)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	486 CANNON STREET EAST 03 02365 0610 PLAN 158 PT LOT 24 PT LOT 25 27 NOVEMBER 1995 VM221848 27 NOVEMBER 1996	\$7,943.22
C)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	51 FULLERTON AVENUE 03 02370 5850 PLAN 367, PT LOT 15, PT LOT 16 27 NOVEMBER 1995 VM221849 27 NOVEMBER 1996	\$5,917.33
D)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	746 RYMAL ROAD EAST 06 07610 1120 CON 1 PT LOT 11 GL HAM 4 DECEMBER 1995 LT395163 4 DECEMBER 1996	\$33,892.44
E)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	61 FULLERTON AVENUE 03 02370 6000 PLAN 367 PT LOT 18 PT LOT 19 4 DECEMBER 1995 VM222473 4 DECEMBER 1996	\$8,548.49
F)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	198 JULIAN AVENUE 05 03820 8750 PLAN 534 LOT 137 PT LOT 136 7 DECEMBER 1995 VM222650 7 DECEMBER 1996	\$8,880.58
G)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	229 KENILWORTH AVENUE NORTH 04 03155 5400 PLAN 395, BLK 2 LOT 46 TO LOT 48 8 DECEMBER 1995 VM222739 8 DECEMBER 1996	\$139,022.05

EXTENSION AGREEMENTS PAGE 2

H)	SERIAL NUMBER	03 02155 3460	
	BRIEF LEGAL DESCRIPTION	RP1433, PT LOTS 24 & 25	
	DATE OF REGISTRATION	18 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM223221	
	REDEMPTION DATE	18 DECEMBER 1996	
	TOTAL ARREARS		\$9,687.72
I)	PROPERTY ADDRESS	861 QUEENSDALE AVENUE EAST	
	SERIAL NUMBER	06 06250 6840	
	BRIEF LEGAL DESCRIPTION	PLAN 775 PT LOT 19 PT LOT 20 PT LOT 21	
	DATE OF REGISTRATION	18 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	LT396121	
	REDEMPTION DATE	18 DECEMBER 1996	
	TOTAL ARREARS		\$10,401.26
J)	PROPERTY ADDRESS	1 AGNES STREET	
	SERIAL NUMBER	04 03145 1050	
	BRIEF LEGAL DESCRIPTION	PLAN 395 BLK G PT LOTS 26 27 & 28	
	DATE OF REGISTRATION	18 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM223213	
	REDEMPTION DATE	18 DECEMBER 1996	
	TOTAL ARREARS		\$7,414.75
K)	PROPERTY ADDRESS	305 JACKSON STREET WEST	
	SERIAL NUMBER	01 00940 2630	
	BRIEF LEGAL DESCRIPTION	SURVEY J MILLS BLK W RANGE 2 PT LOT 13	
	DATE OF REGISTRATION	27 NOVEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM221851	
	REDEMPTION DATE	27 NOVEMBER 1996	
	TOTAL ARREARS		\$6,077.07
L)	PROPERTY ADDRESS	133 BIRCH AVENUE	
	SERIAL NUMBER	03 02345 2840	
	BRIEF LEGAL DESCRIPTION	PLAN 560 PT LOT 49 PT LOT 50	
	DATE OF REGISTRATION	27 NOVEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM221846	
	REDEMPTION DATE	27 NOVEMBER 1996	
	TOTAL ARREARS		\$8,605.48
M)	PROPERTY ADDRESS	29 CUMBERLAND AVENUE	
	SERIAL NUMBER	03 02410 5550	
	BRIEF LEGAL DESCRIPTION	PLAN 433 PT LOT 24	
	DATE OF REGISTRATION	4 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM222477	
	REDEMPTION DATE	4 DECEMBER 1996	
	TOTAL ARREARS		\$8,891.54
N)	PROPERTY ADDRESS	30 LINDEN STREET	
	SERIAL NUMBER	04 02855 6860	
	BRIEF LEGAL DESCRIPTION	PLAN 414 LOT 14 LOT 13 PT LOT 12	
	DATE OF REGISTRATION	4 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM222476	
	REDEMPTION DATE	4 DECEMBER 1996	
	TOTAL ARREARS		\$52,689.74
O)	PROPERTY ADDRESS	49 FRANCIS STREET	
	SERIAL NUMBER	03 02220 5310	
	BRIEF LEGAL DESCRIPTION	PLAN 209 PT LOT 75	
	DATE OF REGISTRATION	7 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM222649	
	REDEMPTION DATE	7 DECEMBER 1996	
	TOTAL ARREARS		\$6,372.09

EXTENSION AGREEMENTS – PAGE 3

P)	PROPERTY ADDRESS	707 RENNIE STREET	
	SERIAL NUMBER	05 05010 1210	
	BRIEF LEGAL DESCRIPTION	PLAN 616 LOT 88	
	DATE OF REGISTRATION	18 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM223215	
	REDEMPTION DATE	18 DECEMBER 1996	
	TOTAL ARREARS		\$11,632.76
Q)	PROPERTY ADDRESS	16 HOLLYWOOD AVENUE NORTH	
	SERIAL NUMBER	01 00320 0700	
	BRIEF LEGAL DESCRIPTION	PLAN 467 LOT 342 PT LOT 341 & 343	
	DATE OF REGISTRATION	21 AUGUST 1996	
	INST # OF TAX ARREARS CERTIFICATE	VM233299	
	REDEMPTION DATE	21 AUGUST 1997	
	TOTAL ARREARS		\$10,352.19
R)	PROPERTY ADDRESS	193 PROSPECT STREET SOUTH	
	SERIAL NUMBER	03 02530 4440	
	BRIEF LEGAL DESCRIPTION	PLAN 439 PT LOTS 54, 55 & 56	
	DATE OF REGISTRATION	18 DECEMBER 1995	
	INST # OF TAX ARREARS CERTIFICATE	VM223218	
	REDEMPTION DATE	18 DECEMBER 1996	
	TOTAL ARREARS		\$9,399.89

BY-LAW NO. 96 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 24TH DAY OF SEPTEMBER A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 24th day of September A.D. 1996

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL A05
A31
1996

Hamilton Public Library
The Urban/Municipal Collection
2nd Floor, 55 York Blvd.
Hamilton, Ontario
L8R 3K1

JOINT MEETING

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

and

THE CORPORATION OF THE CITY OF HAMILTON

SPECIAL COUNCIL AGENDA

TIME AND DATE:

URBAN MUNICIPAL

4:00 p.m, Tuesday,
October 8, 1996

PLACE:

OCT 8 1996

Council Chambers,
City Hall, Hamilton

SECRETARY'S OFFICE

1. **DECLARATIONS OF INTEREST**
2. **DOWNTOWN BUSINESS INITIATIVES**
 - a) Presentation
 - b) In Camera Report

3. **BY-LAW**

Bill No. 2571

Being a By-law to confirm the proceedings of Council at its special meeting held October 8, 1996.

4. **ADJOURNMENT**



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 October 8
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

OCT 8 1996

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer: Father Stephen Deak
St. Michael Hungarian Greek Catholic Church**
- 3. Presentations:**
 - (a) Ontario Heritage Foundation's Heritage
Community Recognition Award to Robert Brough
Joanna Bedard, Chair
of the Ontario Heritage Foundation**
 - (b) Hamilton Society of Architects presentation
of Downtown Ideas Report and Recommendations
Mr. Myron Karp
Chairman**
- 4. Adoption of the minutes of the meetings held:**

**1996 September 24 (regular)
1996 October 1 (special)**
- 5. Correspondence\Petitions**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**

7. *Notice of Motion from previous meeting - Alderman Ross*
8. *Notices of Motion for next meeting.*
9. *Question Period.*
10. *Adjournment.*

Minutes of Hamilton City Council
Tuesday, 1996 September 24
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.

Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Alderman Copps - vacation

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Bishop Caston C. Johnson, Pastor of the Church of God of Prophecy led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 August 27, 1996 were adopted as circulated.

PRESENTATIONS

Mr. Ray Harris presented a cheque to Mayor Morrow on behalf of the Downtown B.I.A. for the Fountain Foundation.

* * * * *

Mr. Jack McFarland presented to Mayor Morrow a plaque from the United Council of Veterans on behalf of Sir. John A. MacDonald School (Staff and Students)

* * * * *

A Certificate of Recognition was presented by Mayor Morrow to Tony McNulty, Former President of 504 who retired from Canadian Auto Workers

* * * * *

Mayor R. Morrow presented National Sesquicentennial Gold Pins to Team Ontario Football/Canada Cup. In attendance were John Chrysler, Scott Moreton, Mike Yacusiw, Mike McCarthy, Paul Fleming, Brent Barlow, Ray Thomas, Jacob Marini, Mark Ferris, Doug Trimble - Head Coach, Kevin Harrison - Assistant Coach, Mike King - Assistant Coach Dan Brannigan - General Manager, Andrew Trimnble - Ball Boy

* * * * *

Teruko Uchida, President and S. Polly Shimizau, Vice-President of the Ikenobo Ikebana Society of Hamilton presented Mayor Morrow with a special arrangement which was created by the Senior Visiting Professor Takashi Moribe of the Ikenobo Institute of Kyoto, Japan for the 28th Anniversary Flower Exhibition "Harmony in Growth".

CORRESPONDENCE

1. Copy of a letter dated 1996 September 3 from The Honourable Al Palladini, Minister of Transportation to Rose Caterini, City Clerk for the City of Stoney Creek respecting a resolution regarding the Region of Hamilton-Wentworth's Proposed Urban Transit Area Expansion.

Referred to the Transport and Environment Committee

2. Letter dated 1996 September 12 from the Hamilton Harbour Commissioners re: 1995 Annual Report.

Referred to Finance and Administration Committee.

3. Letter dated 1996 August 28 from Mrs. Tricia George, Deputy Clerk, Town of Flamborough respecting Municipal Government Restructuring and Public Referendum.

Received.

4. Letter dated 1996 September 18 from the County of Brant respecting flightpaths from the Hamilton International Airport.

Referred to Regional Council

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Section 1 Re: Conflict of Interest - Preparation of By-law to stop-up, close and sell to abutting owners

Alderman Caplan took no part, refrained from voting on this matter. Alderman Caplan's wife has property adjacent to the subject property.

* * * * *

Section 1 Re: Preparation of By-law to stop-up, close and sell to abutting owners

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 1 of the Twelfth Report for 1996 of the Transport and Environment Committee be amended by deleting sub-sections (a) (iii) through (vii) and (b) (i) through (viii) and by deleting the words "Senior Director of Roads" in sub-section (c) and replacing it with "staff" in lieu thereof and that the sub-sections renumbered accordingly. **CARRIED.**

* * * * *

Section 21 Application of Laidlaw Energy Technologies Limited - 470 Kenora Avenue

It was moved by Alderman Wilson and seconded by Alderman Collins that Section 21 of the Twelfth Report for 1996 of the Transport and Environment Committee be referred back with instructions:

- (a) That the issue be dealt with at the next Transport and Environment Committee meeting, 1996 September 30.
- (b) That representatives of Laidlaw Environmental Inc., appropriate Regional and City staff and representation from the M.O.E.E. be in attendance.
- (c) That the issue of indemnification be discussed and considered.
- (d) That the Mayor call a special meeting of City Council to deal with this matter prior to regional council on 1996 October 01. **CARRIED.**

* * * * *

Section 24 Re: Proposed Transit Shelter locations

It was moved by Alderman Collins and seconded by Alderman Merling that Section 24 of the Twelfth Report of the Transport and Environment Committee for 1996 be amended by deleting the words "warrant scores" in sub-section (b) and replacing them with the following in lieu thereof; "the priority order listed". **CARRIED.**

<p>PARKS AND RECREATION COMMITTEE - THIRTEENTH REPORT</p>
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PLANNING & DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 4 Re: Zoning Application ZAC-96-07, Dicon Developments - 988 Upper Paradise

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 4 of the Fourteenth Report of the Planning and Development Committee for 1996 be amended by deleting sub-section (a) (vi) in its entirety and renumbering the remaining sub-sections accordingly. **CARRIED.**

* * * * *

Section 17 Re: Subdivision Application 25T-94004(R) Starward Homes

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Fourteenth Report of the Planning and Development Committee for 1996 be amended by deleting section 17 and the corresponding Appendices "I" and "J". **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - FIFTEENTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 12 Re: Bailiff Services

That Section 12 of the Fifteenth Report for 1996 of the Finance and Administration Committee respecting the collection of outstanding business tax accounts be referred back to the Finance and Administration Committee. **CARRIED.**

* * * * *

Section 20 Re: Rule No. 9 - Oktoberfest in the Village Festival

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of the Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the City's comments to the Liquor Licence Board of Ontario concerning an application for a temporary extension of liquor licence for Indigo's, 33 Hess Street South during the "Oktoberfest in the Village" Festival. **CARRIED.**

* * * * *

Section 20 Re: Oktoberfest in the Village Festival

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 20 of the Fifteenth Report for 1996 of the Finance and Administration Committee:

20. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by Indigo's Restaurant, 33 Hess Street South in conjunction with the Hess Village Merchants Association's "Oktoberfest in the Village" Festival to take place on Saturday, 1996 September 28th to Sunday, 1996 September 29th, and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event. **CARRIED.**

RESOLUTION

Reconsideration of Section 11 - 13th Report
Finance and Administration Committee - July 9, 1996

That Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee approved by City Council at its meeting held Tuesday, 1996 July 9, respecting the 5% Land Dedication, reading as follows, be now reconsidered.

- "11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,

- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
- (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning By-law No. 6593."

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Morelli, Eisenberger, Collins, Jackson, Ross.

NAYS: Mayor Morrow, Aldermen Agro, Drury, Wilson, Charters, Merling, Anderson, D'Amico. -8. **LOST.**

NOTICE OF MOTION FROM PREVIOUS MEETING

It was moved by Mayor Morrow and seconded by Alderman Ross:

That the Prime Minister of Canada be commended for his initiating discussion of another National Infrastructure Program and that the Government of Ontario be encouraged to participate fully in a new program. **CARRIED.**

NOTICE OF MOTION FOR NEXT MEETING

Alderman Ross gave notice that he would move at the next regular meeting of City Council the following motion:

WHEREAS, the Region has passed a Motion September 19, 1995, asking the Province to designate Hamilton/Wentworth as a site for a Provincially-run Casino,

WHEREAS, the Province has stated they require a Referendum showing a majority of the people in a Municipality want a Casino,

and, WHEREAS, the Region does not have a ballot in any Municipal Election,

THEREFORE, the Region asks all Municipalities in the Region of Hamilton-Wentworth to place the following question on the ballot in the very next General Municipal Election:

"DO YOU AGREE TO A FULL-FLEDGED CASINO IN YOUR MUNICIPALITY?"

ACTING MAYOR FOR THE MONTH OF OCTOBER

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman D. Ross be appointed Acting Mayor for the month of October, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 September 24
JJS/dg

Minutes of the Special
City Council Meeting
Tuesday, October 1, 1996
7:05 o'clock p.m.
Council Chambers, City Hall

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Jackson, Charters, Merling, Anderson, Ross.

Absent: Alderman C. Collins, civic business
Alderman F. D'Amico, civic business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Transport and Environment Committee be now considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps,
Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - THIRTEENTH REPORT
(Pipeline - Kenora Avenue)

Section 1 Re: Pipeline - Kenora Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli,
Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

(vi) Laidlaw and its contractor(s) are bonded with the City to undertake excavation works on City roads; and,

(vii) the following insurance shall be provided to the City:

- \$10,000,000. Public Liability insurance,
- \$10,000,000. Environmental Impairment Liability insurance,

Each policy shall name the City, the Region and Laidlaw as additional insured parties with a provision for cross liability; the said insurance limits are minimums and the City may require new limits;

(viii) the following fees shall be paid to the City: a one time fee of \$252.00 for processing; an annual fee of 10% of 50% of the market value of the land encumbered by the service; and a fee of \$3000.00 for field inspection and quality control; in the event the property occupied by the pipeline is classified as taxable, realty taxes shall also be payable by Laidlaw; and,

(ix) that restoration of road allowance be carried out in accordance with applicable OPS Standards; and,

(b) That the Region enter into the said agreement with the City and Laidlaw to assume and be bound by all obligations of Laidlaw (or its successors) under the said agreement in favour of the City, upon the early termination or expiry of the Region's contract with Laidlaw or in the event Laidlaw does not comply with the said agreement with the City. The Region shall also certify to the City that all applicable approvals and permits, including in particular approvals under the Environmental Assessment Act and the Environmental Protection Act, as they may apply to the City, have been received and shall provide proof thereof to the Commissioner of Public Works & Traffic; and,

(c) That the Mayor and City Clerk be authorized to execute the said agreement among the City, Laidlaw and the Region and it shall be registered on title to the streets and the said two premises (SWARU & WWTP) of the Region; and,

(d) That Laidlaw become an active member of the Call-BUD locate agency.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-47 A By-law to Confirm the Proceedings of the Council of The Corporation
 of the City of Hamilton

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 October 1

CORRESPONDENCE

Correspondence:

1. Application dated 1996 September 20 from 583783 Ontario Incorporated, Victor P. Pala, Architect Ltd. Hamilton, Ontario for a further modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 10 Herkimer Street and for a modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 9 and 11 Charlton Avenue.

Recommendation:

Be Received.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up, close and sell the road allowance of Cathcart Street, from 13.0m south of Barton Street, southerly to the existing chain link fence, 38.5m north of Robert Street; and,
- (b) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
- (c) That the Applicant, prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,
- (d) That the applicant provide an easement to the Region for two existing 0.91m x 1.21m box sewers in the proposed closure area; and,
- (e) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
- (f) That the City Solicitor be authorized to make an application to a District Court Judge under Section 88 of the Registry Act, R.S.O. 1990, for an order to stop-up, close and sell the first unassumed east/west alley south of Barton Street, from Cathcart Street easterly for 13.79m; and,

- (g) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the portion of alleyway to be closed; and,
- (h) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City of Hamilton Law Department; and,
- (i) That the Applicant, prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,
- (j) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act; and,

Provided the Judge's Order to close the public unassumed alleyway is granted:

- (k) That the Commissioner of Transportation be directed to prepare a by-law for the sale of the closed alleyway to the abutting owner; and,
 - (l) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,
 - (m) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.
2. That a "No Parking" regulation be implemented on the south side of Morley Street commencing at Lampton Place and extending to a point 58 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Alternate Side Parking" regulation on Tisdale Street North between King William Street and Wilson Street be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.

4. That the by-law entry allowing for a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation on the east side of West 2nd Street commencing at a point 141 feet south of South Bend Road West and extending to a point 23 feet southerly therefrom be rescinded.
5. That a "No Parking" regulation be implemented on the east side of Warren Avenue commencing at Wingate Place and extending to a point 100 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 68 feet west of Douglas Street and extending to a point 20 feet westerly therefrom, and on the south side of Francis Street commencing at a point 106 feet west of Douglas Street and extending to a point 17 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Florence Forbes, No. 37 Francis Street.
7. That a "Commercial Vehicle Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Augusta Street commencing at a point 32 feet east of John Street South and extending to a point 15 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Kinnell Street commencing at a point 178 feet west of Inchbury Street and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Elizabeth Howe, No. 14 Kinnell Street.
9. That the existing "Permit Parking" regulation on the west side of William Street commencing at a point 216 feet south of Birge Street and extending to a point 23 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

10. (a) That a "Permit Parking" regulation be implemented on the west side of Balsam Avenue South commencing at a point 189 feet north of Afton Avenue and extending to a point 16 feet northerly therefrom, and on the east side of Balsam Avenue South commencing at a point 174 feet north of Afton Avenue and extending to a point 19 feet northerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Bonnie Llewellyn, No. 198 Balsam Avenue South.
11. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of East 36th Street between Crockett Street and Munn Street and that the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Robert Street between West Avenue North and Victoria Avenue North; and,

(b) That a "No Stopping" regulation be implemented on the north side of Robert Street commencing at West Avenue North and extending 42 feet westerly therefrom and on the south side of Robert commencing at West Avenue North and extending 42 feet easterly therefrom; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
13. That a "No Parking" regulation be implemented on the west side of Hillview Street between Ainslie Avenue and the southerly end and that the City Traffic By-law 89-72 be amended accordingly.
14. That southbound traffic on Norfolk Street South, Thorndale Street South and Hollywood Street South be required to stop for eastbound and westbound traffic on Glenmount Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

15.
 - (a) That northbound traffic on Banff Drive be required to stop for eastbound and westbound traffic on Muir Avenue; and,
 - (b) That eastbound traffic on Michael Avenue be required to stop for northbound and southbound traffic on Palmer Road; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.

16. That the application of Rod MacDonald, General Manager of Waterjet Machining Inc., No. 44 Munroe Street, to lease a portion of the south boulevard of Munroe Street adjacent to No. 44 Munroe Street, be approved, provided that:
 - (a) the applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 26 (current annual rate is \$62.40 per space for the first two spaces and \$33.21 per space for any additional spaces per year) plus taxes, if any, in addition to the \$10 encroachment insurance charge approved by the City Council on 1984 February 14; and,
 - (b) the owner pays a one-time \$50 registration fee, as approved by the City Council on 1986 January 14; and,
 - (c) the owner pays a one-time \$219.56 processing fee (including G.S.T.), as approved by the City Council on 1988 January 12; and,
 - (d) the owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes; and,
 - (e) the driveway approach, parking area and other structures, as approved by the Commissioner of Public Works and Traffic, be constructed and maintained at the owner's expense; and,
 - (f) the owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.

17. That a School Crossing Guard be assigned to Lawrence Road at Bettina Avenue during the morning and evening school crossing periods only, on a permanent basis.

18. (a) That the following City land be incorporated into the following streets:

Lane north of Main Street and east of Dundurn Street	Part 1 on 62R-12903
Donn Avenue	Part 3, 62R-11902
Berkindale Drive	Part 4, 62R-11902
Locheed Drive	Blocks 31 and 33, 62M-745
Embassy Drive	Block 11, 62M-777
Racalmuto Street	Block 30, 62M-745; and,

- (b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation be authorized and directed to register the By-laws.

19. That Section 1 of the Third Report of the Transport and Environment Committee for 1992 adopted by City Council on Tuesday, 1992 February 11, for the approval of Schedules for "Gagliano Gardens Addition", be rescinded and replaced with the following:

- (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in "Gagliano Gardens Addition", Hamilton, City's Share, \$85,575 Owner's Share, \$190,935 be approved and that the amount of \$85,575 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Gagliano Gardens Addition", Hamilton as well as and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
- (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,

- (d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered he should be allowed to do so at their own risk provided that he enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of services in "Orchard Park Estates - Phase 1", previously approved in the amount of \$223,424, be increased to a total of \$246,224 and that the additional amount of \$22,800 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
20. That the application of the Hamilton Christadelphian Church, owner of No. 20 West Avenue North, to erect and maintain the encroachment of concrete steps encroaching by approximately 1.0m x 2.2m onto the West Avenue road allowance be approved, during the pleasure of Council, provided:
- (a) That the owner enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a first year fee of \$252 and a subsequent annual fee of \$20 as outlined in the encroachment agreement.
21. (a) That the subdivider of Wisemount Estates Phase 6 be required to modify the approved construction plans to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within this plan of subdivision; and,
- (b) That the City's share of the modification to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within the plans of the subdivision of Wisemount Estates Phase 6, at an estimated cost of \$6,000, be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.

22. That Hamilton Bench Advertising Limited (No. 585 Main Street East, Hamilton, L8M 1J4) be permitted to place advertising benches on City Road Allowances for a ten year period, with revenue to the City of Hamilton, credited to Unclassified Revenue Account Centre 75001 for the following amounts exclusive of GST:

The greater of:

- (a) An annual fee of \$70 per advertising face per year or
- (b) 5% of the advertising revenue per year

subject to the following conditions:

- (i) That an Agreement be entered into between the City of Hamilton and Hamilton Bench Advertising Limited in a form satisfactory to the City Solicitor; and,
- (ii) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance; and,
- (iii) That the applicant provide, at the time of each annual payment, a map indicating the location of each bench; and,
- (iv) That the applicant provide \$5,000,000 public liability insurance, naming the City as an added insured party, and saving the City harmless from all action, interests, claims, demands, costs, damages, expenses, and loss; and,
- (v) That the Mayor, City Clerk and Treasurer be authorized and directed to execute the Agreement on behalf of the City; and,
- (vi) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (vii) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,

- (viii) That the applicant be permitted to install a maximum of 500 large benches with advertising faces and 500 small benches with no advertising at locations determined by the following criteria:
 - (1) No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0m or less; and,
 - (2) No bench shall be placed within 6.0m of any fire hydrant; and,
 - (3) No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0m of a bus stop during the months of December to April inclusive; and,
 - (4) Benches shall not be installed until prior approval of each bench location is received from the Commissioner of Transportation (Region), and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Commissioner of Transportation (Region); and,
 - (ix) The Applicant shall make available to the City 5% of the benches for local service organizations who will be responsible for the cost of the artwork only; and,
 - (x) That the bench supplier will be responsible for the timely and effective removal of garbage from any litter containers that are integral with their benches; and,
 - (xi) That failure to remove garbage from the litter containers in a timely and effective manner will result in the garbage removal by the Department of Public Works and Traffic and all costs associated with this action will be recovered from the bench supplier.
23. (a) That the unopened portion of Angela Avenue west of Scenic Drive be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049, for the purpose of selling the property; and,
- (b) That the Finance and Administration Committee be requested to consider directing staff to negotiate the sale of the complete subject parcel to the abutting owners at a price less than fair market value.

24. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-48 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (b) A-49 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (c) A-50 A By-law to Incorporate City Land Designated as Block 30 on Plan 62M-745 into Racalmuto Street
- (d) A-51 A By-law to Incorporate City Land Designated as Part 1 on Plan 62R-12903 into the Lane on Registered Plan 166
- (e) A-52 A By-law to Incorporate City Land Designated as Part 4 on Plan 62R-11902 into Berkindale Drive
- (f) A-53 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-11902 into Donn Avenue
- (g) A-54 A By-law to Incorporate City Land Designated as Block 11 on Plan 62M-777 into Embassy Drive
- (h) A-55 A By-law to Incorporate City Land Designated as Block 31 and 33 on Plan 62M-745 into Lockheed Drive

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 September 30

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given in principle to the Gore Heritage Design Study to improve the architectural streetscape of the Gore (King St. East from James St. to Catharine St.); and,
- (b) That the Planning and Development Department in conjunction with other departments, as appropriate, be authorized to prepare implementation of initiatives identified in the Gore Heritage Design Study.
- 2.A. (a) That approval be given to Subdivision Application 94-04 Starward Homes Ltd. & Ward Campbell/Brian Morison, owners, for a draft plan of subdivision "Orchards North", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 45 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) and 22 lots for small lot interlink single family dwellings, and various blocks to be developed in conjunction with the adjacent lands in the Gourley Neighbourhood, under Regional File 25T-94012, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke O.L.S., dated December 8, 1994, and revised in red, showing 45 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes), 22 lots for small lot interlink single family dwellings, and 9 blocks to be developed with adjoining lands (Blocks 131 - 133 inclusive and Blocks 135 - 138 inclusive), 1 block to be developed upon construction of the road adjacent the block and the school site (Block 134) and 1 Block for Freeway widening (Block 139), as shown on the attached map marked as Appendix "A"; and,
 - (ii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot, each block and the gross area of the Subdivision in the Final Plan; and,
 - (iii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

- (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,
- (v) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (vi) That the streets be named to the satisfaction of the City of Hamilton; and,
- (vii) That the owner prepare a municipal street numbering plan to the satisfaction of the Director of Planning and Development; and,
- (viii) That Lots 129 and 130 not be developed until the adjacent lands of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot to Chester Avenue and that these lands be conveyed to the City by reference plan and deed; and,
- (ix) That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Regional Environment Department, prior to registration of the final plan of subdivision; and,
- (x) That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision; and,
- (xi) That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", to the satisfaction of the Commissioner of Transportation, adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision; and,
- (xii) That the owner acquire the necessary lands to establish the road allowance adjacent to Block 134 to its full width of 20.0 metres prior to registration of the final plan of subdivision; and,
- (xiii) That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be designed and constructed to the satisfaction of the Commissioner of Transportation at this location; and,

- (xiv) That the owner provide 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision; and,
- (xv) That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision; and,
- (xvi) That the owner establish a 1.0 x 1.0 metre daylight triangle on the corner of Lots 25, 102 and 116; and,
- (xvii) That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Drive and at the dead-end of the road allowance on Street "B"; and,
- (xviii) That Street "C" be revised in accordance with the revision to the road design through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves; and,
- (xix) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units; and,
- (xx) That the owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0 m road allowance, can be installed on both sides of Street "A" and Street "B", proposed at 18.0 m width to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (xxi) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority; and,
- (xxii) That Blocks 131 - 134 inclusive and Blocks 135 - 138 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands; and,
- (xxiii) That the lot fabric of the final plan of subdivision conform to the road pattern as shown on the approved neighbourhood plan; and,
- (xxiv) That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-04/25T-94012) Starward Homes Ltd. & Ward Campbell and Brian Morison, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the adjacent Draft Approved plan of Subdivision "Fontana Gardens" (Regional File No. 25T-88016) be revised to reflect the revised neighbourhood road pattern and that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant construct Chelsey Street where it abuts the draft plan of subdivision to the satisfaction of the Regional Commissioner of Environment; and,
 - (d) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- B. (a) That Zoning Application ZAC-94-32, Starward Homes Ltd. & Ward Campbell/Brian Morison owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1", "3", and "9"); "DE" (Multiple Dwellings) District, modified, (Block "2"); "C" (Urban Protected Residential, etc.) District (Blocks "4", "10" and "11"); and, "R-4" (Small Lot Single Family Dwelling) District (Blocks "5", "6", "7" and "8"), for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, as shown on the attached map marked Appendix "B", be approved on the following basis:
- (i) That Blocks "1", "3", and "9" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District; and,
 - (iii) That Blocks "4", "10" and "11" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (iv) That Blocks "5", "6", "7" and "8" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,

- (v) That the "DE" (Multiple Dwellings) District, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (a) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - (1) a quattroplex dwelling
 - (b) That notwithstanding Section 10A.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2.0 storeys in height; and,
 - (c) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the following shall apply:
 - (1) Minimum Front Yard
 - (a) A front yard of a depth of at least 16.0 m; and,
 - (b) For a through lot where the private outdoor amenity area is provided in the front yard, a front yard depth of at least 11.0 m; and,
 - (c) For a through lot where the private outdoor amenity area is provided in the side yard, a front yard depth of at least 6.0 m; and,
 - (d) For a through lot where a garage faces a front yard, the minimum setback to the front of the garage shall be 6.0 m; and,
 - (2) Minimum Rear Yard
 - (a) A rear yard of a depth of at least 6.0 metres; and,
 - (3) Minimum Side Yard
 - (a) For the two dwelling units closest to the front lot line, a minimum side yard along each side lot line, of a width of at least 3.0 m; and,

- (b) For the two dwelling units closest to the rear lot line, a minimum side yard along each side lot line, of a width of at least 1.2 m; and,
- (c) For a through lot a minimum side yard along each side lot line of a width of at least 1.2 m; and,
- (d) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593, the following shall apply:
 - (1) each quattroplex dwelling on a lot shall have a lot area not less than 800.0 m² and a width of not less than 20.0 m; and,
 - (2) each quattroplex dwelling on a through lot shall have a lot area not less than 880.0 m² and a width of not less than 22.0 m; and,
- (e) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, the following shall apply:
 - (1) not less than 45% of the area of the lot shall be used for landscaped area; and,
 - (2) each dwelling unit shall be provided with a private outdoor amenity area; and,
 - (3) an externally accessible storage shed, having a minimum gross floor area of 2.0 m² and a maximum height of 2.25 m, shall be incorporated into the amenity area for each dwelling if no garage is provided; and,
- (f) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, the following shall apply:
 - (1) Each dwelling unit in a quattroplex dwelling shall be provided with a minimum of two parking spaces; and,
 - (2) The required parking spaces for each dwelling unit may be stacked; and,

- (3) A parking space shall be a rectangular area having a minimum, unobstructed width of 2.7 m and a minimum unobstructed length of 5.4 m; and,
- (4) For interior lots each parking area shall be provided with bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area; and,
- (5) The minimum width of a driveway shall be 2.8 m and the maximum width shall be 5.5 m; and,
- (6) The maximum number of driveways on a lot shall not exceed 4; and,
- (7) No driveway shall be located closer than 0.8 m to another driveway and no closer than 0.4 m to a side lot line; and,
- (8) Section 18.(14) of Zoning By-law No. 6593 shall not apply; and,
- (9) Section 18A.(14a) of Zoning By-law No. 6593 shall not apply; and,
- (g) Notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, the following provisions shall apply:
 - (1) A roofed-over but otherwise unenclosed porch may project a maximum of 2.0 m into the front yard; and,
 - (2) A roofed-over but otherwise unenclosed porch for the two dwelling units closest to the rear lot line shall be permitted in the side yard provided that the porch is located a minimum of 1.2 m from the side lot line; and,

(h) For the purpose of Subsection (e)(v)(a), the following shall apply:

(1) **Dwelling, Quattroplex** shall mean a building not more than one single family dwelling in height, designed to contain four dwelling units, attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

(a) has a separate front entrance; and,

(b) is joined on one side by a party wall to another dwelling unit in the same row; and,

(c) is joined by a common vertical back wall; and,

(i) For the purpose of Subsection (e)(v)(e), the following provisions shall apply:

(1) **Private Outdoor Amenity Area** shall mean a landscaped open space area abutting a dwelling unit, having a minimum area of 30.0 square metres, excluding any area occupied by an accessory shed, and a minimum width and depth of 4.5 metres, which may be located in any yard provided it is a minimum distance of 11.0 metres from the front lot line, and a minimum distance of 5.5 metres from any street for a through lot; and,

(2) The private amenity outdoor area for each dwelling unit shall be enclosed by a visual barrier having a minimum height of 1.8 metres and a maximum height of 2.0 metres; and,

(j) That notwithstanding Section 18(4)(iv) of Zoning By-law No. 6593, the following shall apply:

- (1) An accessory shed is permitted in any required yard, provided that the accessory shed is located in the Private Outdoor Amenity Area and is a minimum of 0.45 m from the side lot line and rear lot line; and,
- (k) That notwithstanding Section 6.(19) of Zoning By-law No. 6593, the following shall apply:
 - (1) Notwithstanding any other provision of this By-law, no residential structure be located closer than 17.5 m from the Mountain Freeway right-of-way; and,
 - (2) Notwithstanding any other provision of this By-law, no structure shall be located within 10 m of the limits of the Mountain Freeway.
- (vi) That the "R-4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks "5", "6", "7" and "8", be modified to include the following variances as special requirements:
 - (a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - (1) A single family dwelling; and,
 - (b) That notwithstanding Section 9A.(2)(a) of Zoning By-law No. 6593, the following shall apply:
 - (1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line; and,
 - (c) That notwithstanding Section 9A.(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:
 - (1) A front yard having a depth of not less than 3.5 m to the main wall of the dwelling; and,

- (2) A front yard having a depth of not less than 7.0 m to the garage or carport where the lot fronts onto a 18.0 m road allowance; and,
- (d) That notwithstanding Section 18A.(1)(e) of Zoning By-law No. 6593, a manouvering space having a unobstructed width of 2.7 m and a minimum unobstructed length of 7.0 m shall be provided and maintained; and,
- (e) That in addition to the requirements of Section 9A.(2)(b)(1)(iv) of Zoning By-law 6593, the following shall apply:
 - (1) A minimum landscaped open space area of 41 m² having a minimum width of 5.50 m and a minimum depth of 6.0 m shall be provided and maintained in the rear yard; and,
- (f) That notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, the following shall apply:
 - (1) No interior lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 11.0 m; and,
 - (2) No corner lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 12.0 m; and,
- (g) That a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard; and,
- (h) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 m or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area; and,
- (i) That notwithstanding Sections 18.(4)(i) and 18.(13) of Zoning By-law No. 6593, no accessory building or structure shall be permitted; and,
- (vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1371, and that the Blocks "2", "5", "6", "7", and "8", on Zoning District Map W-17B be notated S-1371; and,

- (viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council; and,
 - (ix) That the By-law not be forwarded to Council until such time as the applicant has submitted a revised plan of subdivision incorporating the revision to Street "C" through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves; and,
 - (x) The application complies with the City of Hamilton Official Plan.
- (b) That the approved Gourley Neighbourhood Plan be amended as follows upon finalization of the zoning by-law (see Appendix "C"):
 - (i) From "Attached Housing" to "Single and Double Residential" for the three small lot singles (Lots 6, 7 and 17); and,
 - (ii) That the proposed quattroplexes and interlinks be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note; and,
 - (iii) That the road pattern be revised to incorporate Street "B", as shown on the "Orchards North" proposed plan of subdivision; and,
 - (iv) That Appleblossom Drive, north of Chester Avenue and south of Street "A", on the "Orchards North" proposed plan of subdivision, be shifted westerly such that the road allowance is located within the limits of the original road allowance between Lots 16 and 17; and,
 - (v) Redesignation of the proposed 10 m wide sewer easement located between Chesley Street and Street "A" from "Utilities" to "Single & Double" residential.
- 3.
 - (a) That the proposed 1996 Beasley Neighbourhood Plan land use schedule, policies and recommendations, attached hereto and marked Appendix "D", be adopted; and,
 - (b) That staff of the Planning and Development Department in conjunction with the Beasley Neighbourhood Plan Review Team begin implementation of the 1996 Beasley Neighbourhood Plan.

4. That approval be given to the request by Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for an extension of the approval of Site Plan Control Application DA-93-05 to June 7, 1997, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.
5. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Mr. and Mrs. Boshier, 145 Picton Street East. The interest rate will be 8 per cent amortized over 5 years.
6.
 - (a)
 - (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
7.
 - (a)
 - (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-

down this loan as per the terms of the Barton Street Revitalization Program; and,

- (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 8.
 - (a)
 - (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for exterior storefront improvements to 448 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

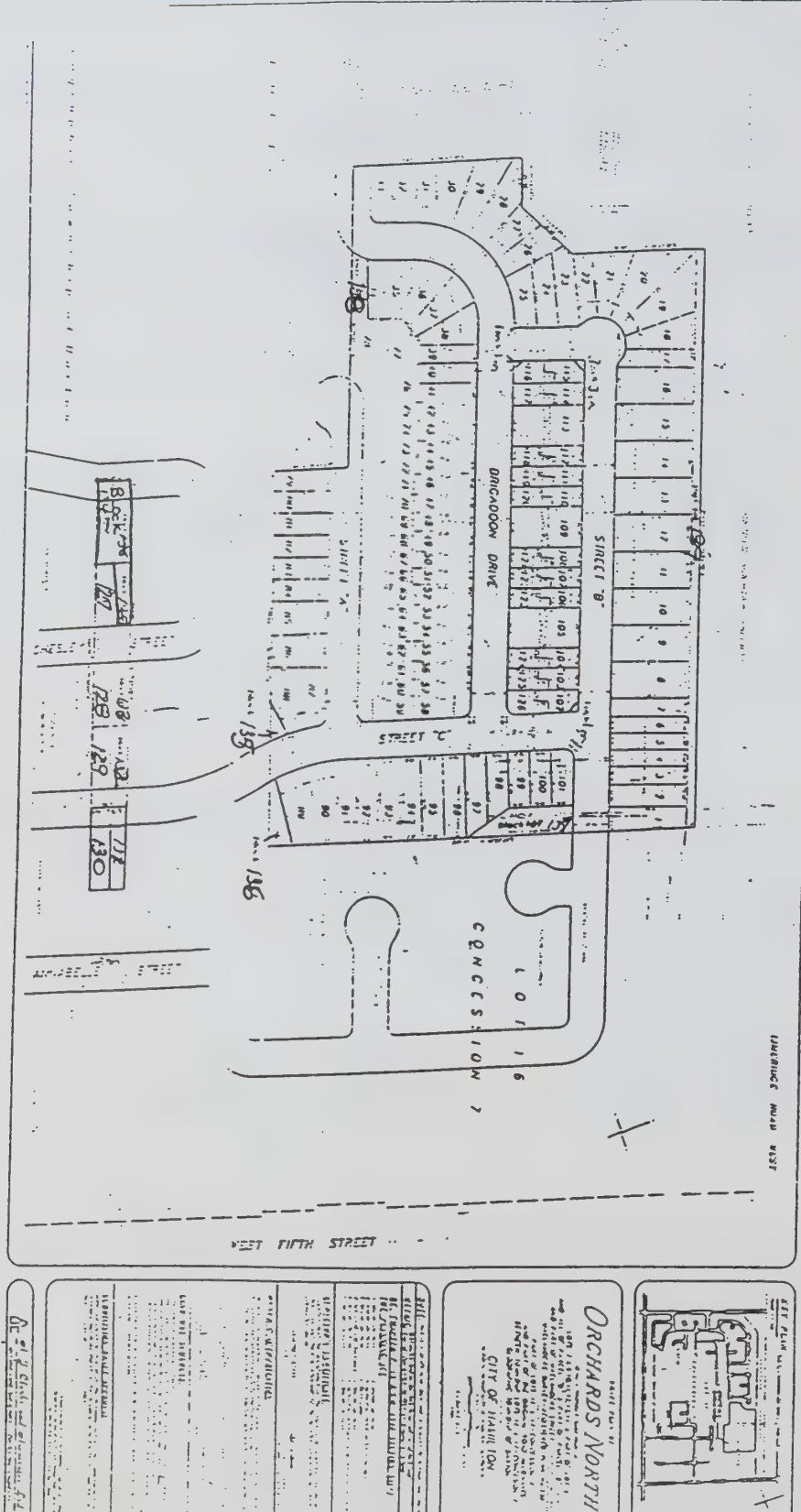
9. That the City Solicitor be authorized and directed to prepare an amendment to By-law 93-167 to authorize permits and fees by adding item 1(a) to Schedule "A", as follows:
 - 1(a) permit for the construction of barrier-free access in single and two family dwellings \$75.
10. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for the following properties:
 - (a) 140 Rymal Road West
 - (b) 150 Rymal Road West
11. That the City Clerk notify the Region of Hamilton-Wentworth and the Niagara Escarpment Commission that the City of Hamilton does not object to proposed Amendment PC/113/96 to the Niagara Escarpment Plan; and, that the modifications to the Amendment outlined in the staff report hereto subjoined be considered by the Niagara Escarpment Commission:
 - (a) To allow for the preservation of other types of heritage buildings, not only single-family dwellings; and,
 - (b) To allow for the severance of lots with heritage buildings.
12.
 - (a) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1, 4, 5, 6, 7, 8, 9, 10 and 11, and an easement for future development on Lot 12 located in "Wisemount Estates - Phase 7", as shown on Appendix "E"; and,
 - (b) That the appropriate By-law (attached hereto and marked as Appendix "F") to remove part lot control from Lots 1 to 9 inclusive and Lot 12, Registered Plan 62M-794, "Wisemount Estates - Phase 7" plan of subdivision, be enacted by Council; and,
 - (c) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.
13. That the Building Commissioner be authorized to issue a demolition permit in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for 36 Mud Street.
14. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

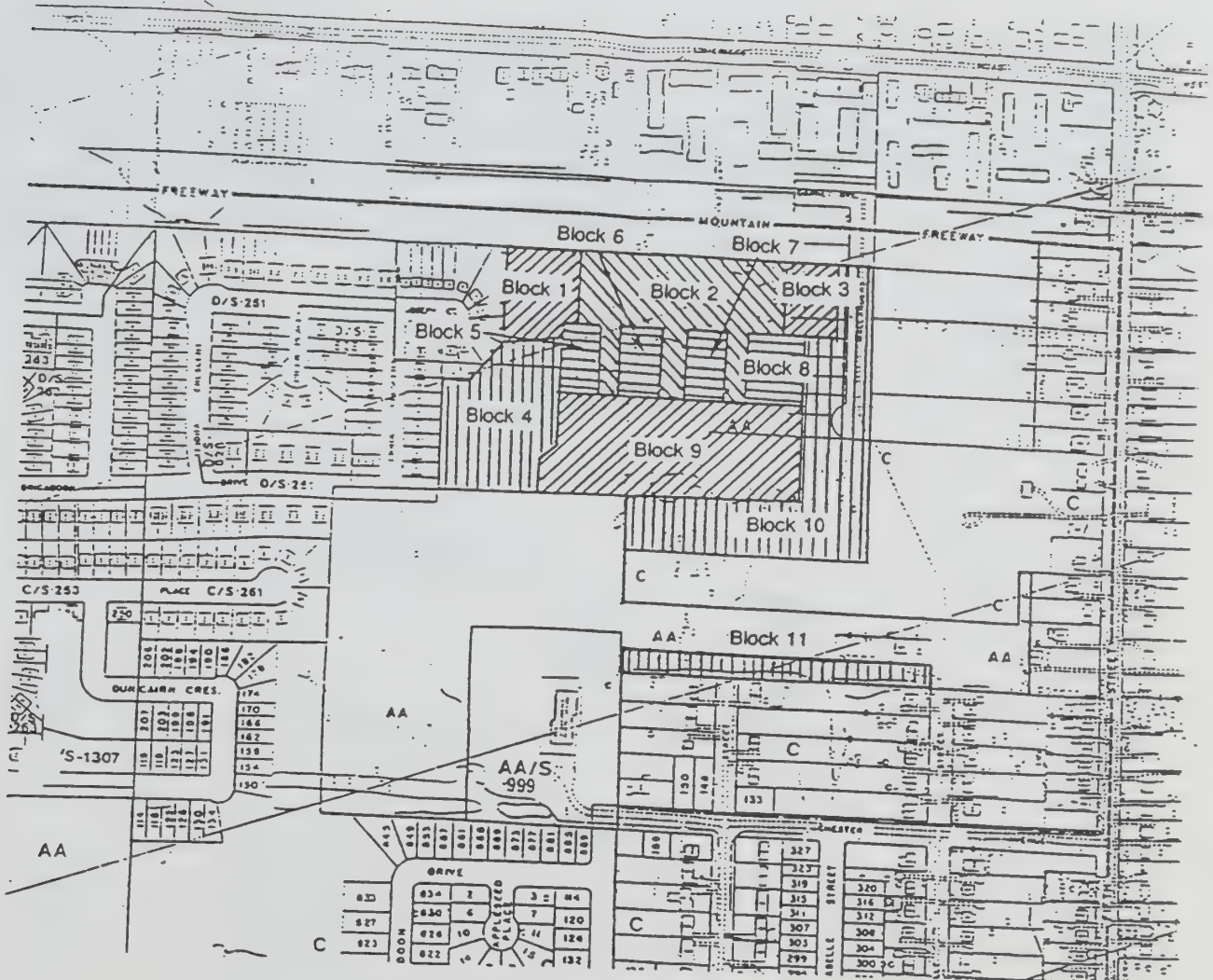
- (a) C-55 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 620 King Street West.
- (b) C-56 A By-law to Amend By-law No. 90-197 Respecting the Main Street West Esplanade Business Improvement Area.
- (c) C-57 A By-law to Adopt Official Plan Amendment No. 136 Respecting Lands Located West of Upper Paradise Road Between Stone Church Road West and Rymal Road West Within the Falkirk West Neighbourhood.
- (d) C-58 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of West Fifth Street, South of the Proposed Mountain Freeway and North of Chester Street.
- (e) C-59 A By-law to Remove Land Within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794 from Part Lot Control.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1996 October 2**





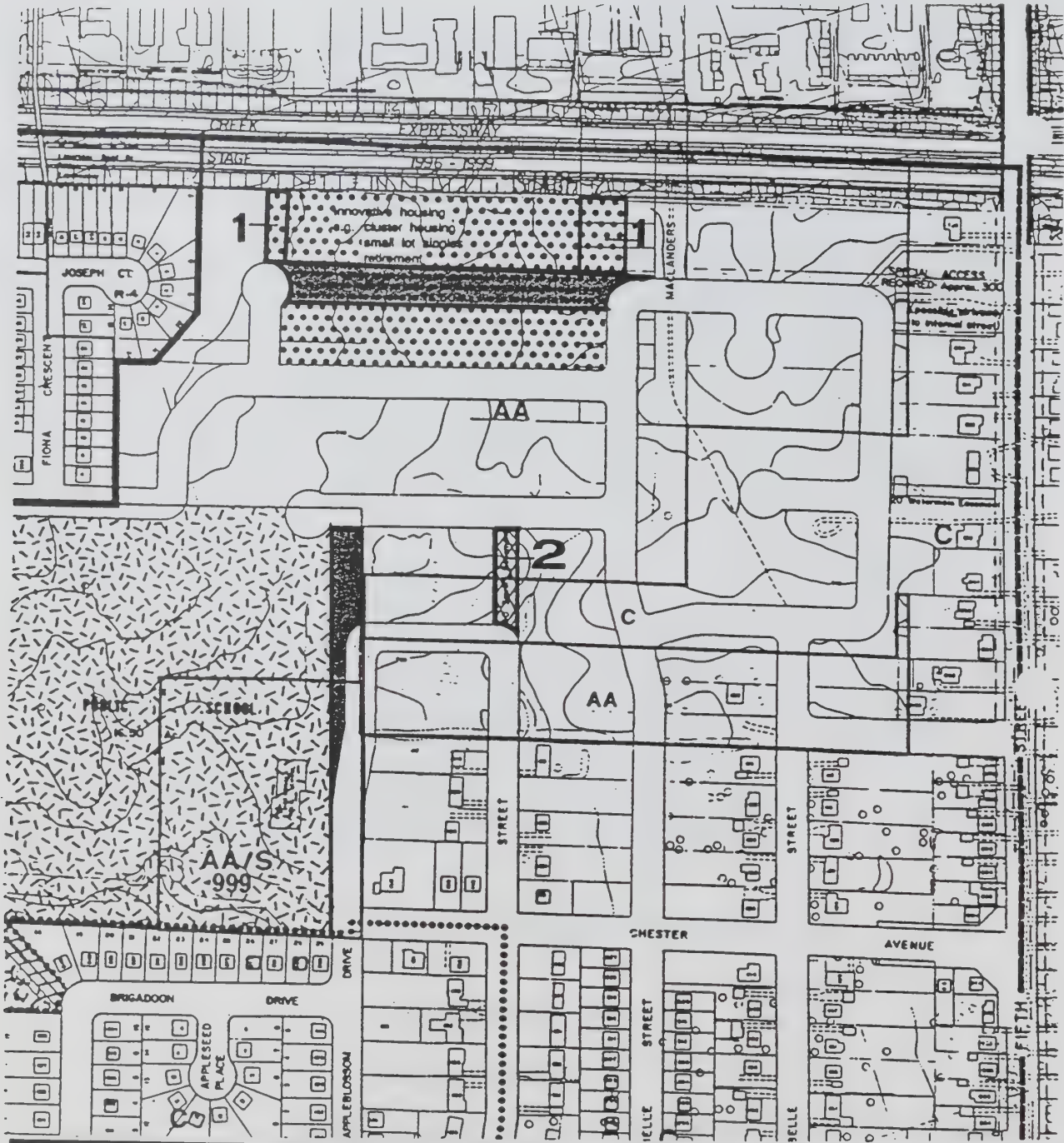
Legend

Proposed Changes In Zoning From "AA" (Agricultural) District To:

- | | | |
|------------------------------|--|--|
| Blocks "1", "3" and "9" | | "R-4" (Small Lot Single-Family Dwelling) District |
| Block "2" | | "DE" (Multiple Dwellings) District, modified |
| Blocks "4", "10" and "11" | | "C" (Urban Protected Residential, etc.) District |
| Blocks "5", "6", "7" and "8" | | "R-4" (Small Lot Single-Family Dwelling) District, modified |



ZAC-94-32



Proposed Changes to GOURLEY Approved Plan

- 1 Redesignation from "Attached Housing" to "Single & Double" residential
- 2 Change from "Utilities" to "Single & Double" residential
- Change to Road Pattern

THE 1996 BEASLEY NEIGHBOURHOOD PLAN -

Executive Summary

Prepared By:

**The Beasley Neighbourhood Plan Review Team
in conjunction with
The Planning and Development Department
City of Hamilton**

September, 1996

1.0 BACKGROUND

Beasley Neighbourhood lies within the north-east quadrant of Hamilton's central downtown area. Beasley has a rich historical tradition within the development of Hamilton as much of the lands now part of the neighbourhood were part of George Hamilton's original town plot established in 1816. This historical tradition is evident today by the many architectural themes throughout the neighbourhood and the diversity of land uses that characterize this older, established downtown neighbourhood.

Beasley Neighbourhood is a unique community in many respects. As home to the downtown commercial core and Gore Park, Beasley Neighbourhood functions as a cultural and economic focal point for the City of Hamilton. Beasley has always been a neighbourhood where new immigrants to Hamilton first settle. This has resulted in an ethnically diverse neighbourhood with many local commercial establishments and restaurants meeting the needs of these new Hamiltonians.

Beasley is a neighbourhood that faces many challenges. Segments of the housing stock are in need of rehabilitation. The current traffic system of high-volume, wide arterial roadways has not been conducive to neighbourhood cohesiveness. The downtown commercial core has been hard hit by changes in retail economics. New residential development has had the effect of eroding the historical lower-density character of the neighbourhood. There is a perception of Beasley as a high crime area. The vestiges of Hamilton's industrial past are still apparent with large industrial buildings interspersed among residential blocks with conflicts arising from incompatible land uses. And, the neighbourhood continues to be under-served in terms of green space and recreational facilities.

The 1996 Beasley Neighbourhood Plan is premised on a number of planning principles and are as follows:

- 1) The incompatible land uses, in particular industrial and automotive-related, need to be eliminated and as such there are no industrial designations in the 1996 Beasley Neighbourhood Plan;
- 2) The amount of green space in the neighbourhood needs to be increased;
- 3) The anticipated growth of the downtown has not occurred. This has resulted in many vacant and underutilized commercial buildings and land parcels on the periphery of the core and has eroded the residential attributes of Beasley. Accordingly, the "reach" of the commercial base in the southern part of the neighbourhood has been scaled back;
- 4) A mix of land uses such as residential or commercial and residential/commercial combined along major thoroughfares is appropriate and needs to be emphasized while recognizing existing building heights;
- 5) The arterial road system for vehicular traffic has not proved conducive to neighbourhood cohesiveness and pedestrian comfort and has created physical barriers. Elimination of the arterial road functions of Cannon Street and Wilson Street is imperative;
- 6) The Perimeter Road needs to be constructed to accommodate heavy truck traffic and divert through traffic away from neighbourhood streets;
- 7) New housing developments should be in a lower density form that will be more compatible with the existing neighbourhood, i.e., single and semi-detached, row/townhouse, and stacked townhouses;

- 8) Medium density residential uses will be encouraged in close proximity to the downtown core while high density residential uses have been eliminated; and,
- 9) The aesthetics of the neighbourhood including the built form and urban spaces must be regarded with greater importance in all public and private development activities in the neighbourhood.

2.0 NEIGHBOURHOOD PLAN DESIGNATIONS

Map One on page 3 reflects the long-term, i.e., 15 to 20 year, land use objectives for Beasley Neighbourhood, which embody the planning principles noted previously. Map One contains land use designations which are not consistent with the existing land use. For example, several existing industrial and automotive-related uses are designated for residential purposes; existing high-density residential uses are designated for lower-density residential uses; and current commercial areas are designated for mixed residential/commercial uses. Accordingly, these areas will be regarded as "non-conforming" in the context of the Neighbourhood Plan.

Over the life of the Beasley Neighbourhood Plan, there will likely be occasions when a redevelopment of a site is proposed by a landowner. At the time of the proposal, the adequacy of the storm and sanitary sewers will have to be considered, as well as the capacity of water services to support the anticipated redevelopment.

The various land uses shown on Map One are described below:

2.1 Single-Detached and Semi-Detached (Yellow)

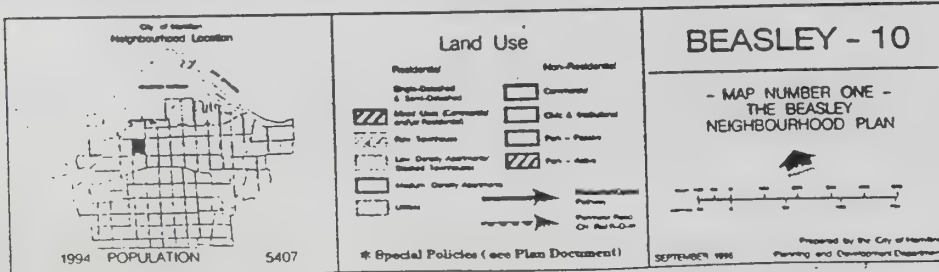
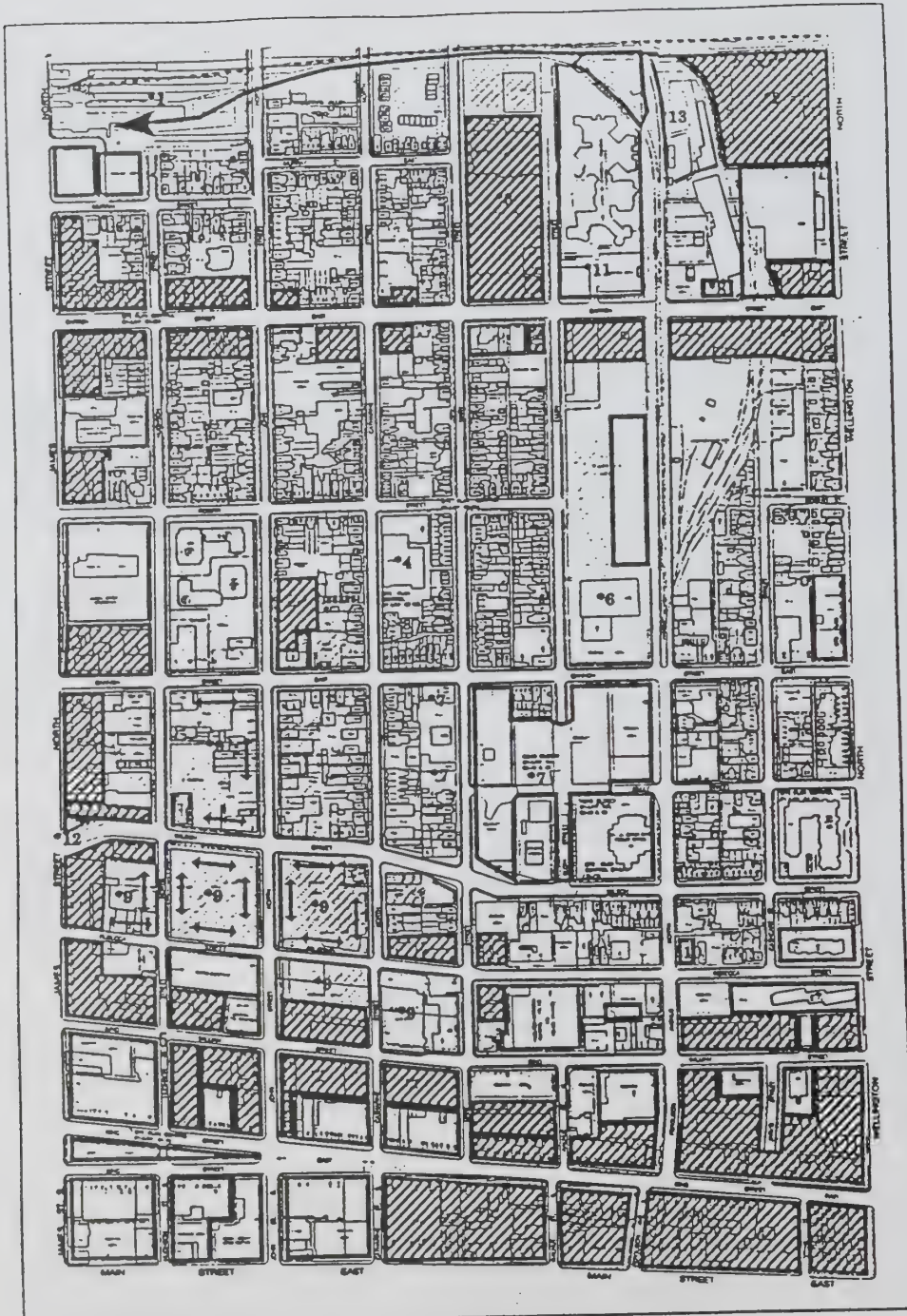
This designation covers most of the interior of Beasley Neighbourhood. It is intended to reaffirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks at low residential densities. Areas previously designated for high density residential are now designated Single-Detached and Semi-Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single-Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of 2½ storeys.

2.2 Row/Townhouse (Orange Hatched)

This designation is applicable primarily to larger sized vacant or underutilized land areas that are isolated or slightly removed from the existing built-up neighbourhood where redevelopment to residential is likely to occur. This recognizes that the economics of residential redevelopment in a built-up urban centre favours housing forms at a density higher than single or semi-detached dwellings. The Row/Townhouse designation would provide the necessary economic incentive and at the same time provide dwelling forms consistent with the character and scale of the existing dwelling stock in the neighbourhood.

Single-detached and semi-detached dwellings will be permitted in the Row/Townhouse designation. Any new residential development must be in a form that is compatible to adjacent dwellings, oriented towards the street and shall not exceed a height of 2½ storeys.



2.3 Low Density Apartments/Stacked Townhouses (Orange)

This designation has been applied on several parcels adjacent to major roadways in close proximity to the downtown, e.g., Wellington Street, Cannon Street and King William Street. This designation is as well intended to recognize redevelopment potential for residential uses, but at slightly higher densities. In addition, this designation will also assist in achieving higher population levels in the immediate downtown area. Four storeys is the desirable maximum height for apartment buildings in this designation.

2.4 Medium Density Apartments (Brown)

This designation is applied to several parcels of land within Beasley Neighbourhood to recognize the existing residential use and is also applied in two locations near Ferguson Avenue and King William Street to recognize redevelopment potential. The application of this designation is consistent to the land use proposals suggested by the Ferguson Avenue Revitalization Advisory Committee as part of their work to rejuvenate Ferguson Avenue. Six to eight storeys is the desirable maximum height for apartment buildings in this designation.

2.5 Mixed Uses -

Commercial and/or Residential (Yellow with Red Hatching)

An important planning principle is to facilitate a number of different but compatible land uses in close proximity or within a specific property, i.e., "mixed use developments". Areas of mixed uses and mixed use developments can involve many uses but it is the commercial/residential combination which offers the greatest positive economic and social effect at the neighbourhood level as each use reinforces the viability of the other.

Extensive use of the Mixed Uses designation recognizes the importance of facilitating greater residential development in Beasley Neighbourhood and allows for flexibility in potential redevelopment opportunities. The logic is compelling as with more people in the neighbourhood, the viability of local commercial businesses would be enhanced which provide a further draw for people to move into the neighbourhood.

2.6 Commercial (Red)

The scope of the Commercial designation in Beasley Neighbourhood has been narrowed. This is in part because of the desire to encourage more Residential uses. As well, the Commercial "reach" of the downtown in other municipal planning documents has had the effect of undermining the stability of the existing residential community. By restricting the Commercial designation to the area immediately surrounding Gore Park, Hamilton's downtown would be more focused and dissipate the negative and destabilizing effects of land use planning uncertainty on the surrounding residential neighbourhood.

2.7 Civic and Institutional (Blue)

The Civic and Institutional designation covers a variety of existing uses in Beasley Neighbourhood. These uses include: the Hamilton-Wentworth Regional Police Headquarters on King William Street, the Dr. J. Edgar Davey Public School on Wilson Street, the Hamilton Hydro Electric building on Rebecca Street, the Central Fire Station on John Street North, the Hamilton-Wentworth Regional Detention Centre on Barton Street, the James Street North Armouries, the City of Hamilton Public Works Yard on Ferguson Avenue and the three neighbourhood Churches: Christ's Church Anglican Cathedral on James Street North, St. Peter's Hungarian on Barton Street and St. Johannes Evangelical Lutheran on Wilson Street.

2.8 Park - Passive (Green)

Park - Active (Hatched Green)

The Park designation has been divided into two distinct designations. "Active" park space are parks with various play/recreational facilities; and "Passive" parks are more suited for sitting and conversing with friends and neighbours and may contain small gardens.

The 1994 population of Beasley Neighbourhood was 5,407 persons. The neighbourhood parkland standard, as set out in the Hamilton Official Plan, is 0.5 hectares (1.24 acres) per 1,000 population. This translates to a required parkland area of 6.70 acres. McLaren and Beasley Parks total 3.44 acres. There is an additional 1.88 acres of land designated for Beasley Park that has not been acquired by the City. In total, there are 5.62 acres of parkland owned or designated for acquisition by the City. This is a deficiency of 1.08 acres of designated parkland based on current population.

A number of new Park locations have been designated in the Neighbourhood on Map One, which is consistent with the overall strategic objective of making Beasley Neighbourhood a more attractive living environment for existing residents and prospective newcomers. A description and rationale of the existing and new park locations in the Beasley Neighbourhood Plan are as follows:

- Gore Park is an important park for Beasley residents and all Hamiltonians. Gore Park should be more pedestrian friendly and enhanced as a focal point for the City. Closing Hughson Street permanently and joining the two separate "pieces" of Gore Park together should be a key objective for the City;
- Beasley Park has undergone a gradual transformation into a park which provides important recreational and passive space needs for Beasley residents. Beasley Park is now the focus of the neighbourhood and recognized as the neighbourhood park. Acquisition of property for park purposes should continue, specifically the parcel to the east currently occupied by Lockwood Motors and the industrial premises to the west currently occupied by a number of small firms;
- A walkway linkage to Catharine Street North needs to be established at McLaren Park and the park itself needs to be expanded by acquiring the property to the south which would open up the park to Cannon Street;
- The grass foreground of the CN Station on James Street North should be formalized into a passive park. This area has been used by many cultural and ethnic groups for various festivals over the years. The parking lot immediately to the east of the grass foreground should be redeveloped into some form of a community garden with benches to facilitate greater interaction among local residents;
- Adjacent to the proposed Perimeter Road, a pedestrian/cyclist route and "greenway" has been designated that would act as a buffer for the Perimeter Road and as well link a number of new parks at the north end of Beasley Neighbourhood;
- To the northeast of the Hamilton-Wentworth Regional Detention Centre lies a triangular portion of land that contains several underused railway spurs and field. This area as well has potential to be more actively developed into viable park space; and,

The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

It is recognized that park acquisition in developed neighbourhoods is a long-term process contingent upon available public financing and willing sellers. In terms of parkland priorities over the short-term in the next three to five years, the focus and priorities in Beasley Neighbourhood should be as follows:

- 1st Priority: Continue with development of Beasley Park - The expansion of Beasley Park eastward to Ferguson Avenue is imperative;
- 2nd Priority: Preservation of the green foreground of the James Street North CN Station - Any reuse of the station structure and potential redevelopment must preserve this important community focal point; and,
- 3rd Priority: Enhancement of Gore Park - The focus of the Hamilton community for over a century, Gore Park needs to be relinked across Hughson Street to create an effective green space and community asset in the heart of Hamilton's downtown.

2.9 Utilities (Grey)

The following lands are designated as Utilities: the Ontario Hydro Sub-Station on Elgin Street north of Wilson Street; the south-west corner of Mary Street and Wilson Street for a future water works facility; and the CN Station on James Street North including the rail tracks to the east.

3.0 SPECIAL POLICY AREAS

Planning documents should provide guidance and direction in regard to development or redevelopment within a neighbourhood, in addition to outlining preferred future land uses. Beasley Neighbourhood contains a number of unique land parcels that may undergo development or redevelopment in the coming years. A number of Special Policy Areas on Map One are noted to provide further planning guidance in the event a proposal for development and/or redevelopment arises and highlights other areas of importance to the neighbourhood.

Special Policy Area 1

The Canadian National Rail Station on James Street North is an important historical asset of Beasley Neighbourhood and the City of Hamilton. The Station has been underutilized for a number of years and has been the subject of numerous redevelopment proposals; however, the structure itself does not lend itself for other uses and simply functions best as a train station. It is important to recognize the adjacent rail lines are the only rail links between Toronto and the north-eastern United States.

Although at present it appears unlikely that any rail organization in the short-term will require the use of the building and its environs as a train station, passenger rail as a mode of transportation may become more viable and an attractive alternative to air travel or automobile travel in the coming years. Accordingly, the ultimate preferred long-term use is as a train station.

However, if the station is ultimately redeveloped for other uses, there are a number of concerns and objectives which need to be addressed as part of any redevelopment proposal including:

- Preservation and retention of the main station structure;
- Retention of the grassed front square area as a passive open space while the parking lot immediately to the east should be converted into some form of public garden;
- Establishment of a pedestrian link to Stuart Street and the West Harbourfront area needs to be established;
- Buffering should be considered in anticipation of the Perimeter Road; and,
- Building heights in any redevelopment proposal should be no more than 4 storeys to be consistent with the neighbouring residential properties.

Special Policy Area 2

The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning to the satisfaction of the Ontario Ministry of Environment and Energy will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

Special Policy Area 3

The commercial plaza situated on the north side of Barton Street between Mary Street and Elgin Street is a potential site for redevelopment. A grocery store/supermarket is important for a neighbourhood and therefore a cohesive mixed commercial/residential development is regarded as the most preferable land use option. In any redevelopment proposal, the option of extending Murray Street through to Elgin Street should be considered to facilitate more street-oriented uses. Smaller city blocks create a more desirable urban ambience and should be strongly considered. As well, a street focus onto Barton Street should be promoted.

Special Policy Area 4

The Liquor Control Board of Ontario (LCBO) warehouse on the east side of Catharine Street North between Robert Street and Cannon Street East provides bulk service for local restaurants and hotels. This is a clear incompatible use and there are safety concerns in regard to truck movements in and out of the warehouse. The warehouse is situated within an established low density residential block. Any redevelopment on this site should be residential and in a dwelling form and density consistent with the adjacent residential properties.

Special Policy Area 5

Hughson Street is a key thoroughfare with potential to enhance the role of Gore Park in the downtown. At the present time, the eastern side of the street between King Street and King William Street is occupied by the former Kresge Building. If redevelopment of the site is considered at any future point in time, green space on the east side of Hughson Street North would provide an attractive pedestrian linkage between King William Street and King Street. A small park would "open up" the area surrounding Gore Park and as well provide greater focus for the Gore Park Fountain. Alternatively, commercial uses in the form of small boutiques could as well be facilitated on the east side of Hughson Street south of King William Street provided a 7.5 building setback from the road right-of-way is provided. This setback would effectively "open up" the area as well.

Special Policy Area 6

The City Chevrolet-Oldsmobile dealership is a potential redevelopment site. Recognizing the redevelopment of the lands immediately to the north for medium density apartments and townhouses, low density apartments built to a maximum height of four storeys is appropriate, should redevelopment be considered. In addition, provision should be made for adequate building setbacks to allow the creation of a green space buffer between the sidewalks and the actual building envelope.

Special Policy Area 7

Beasley Park is the principal Neighbourhood Park and over the years has played an increasingly important role in making the Neighbourhood a more enjoyable place to live. As part of the ongoing development and refinement of Beasley Park, there are a number of issues and concerns:

- The façade of the industrial building at the north-east corner of Kelly Street and Mary Street provides a symbolic and aesthetically unique reminder of how the neighbourhood has changed and should be preserved and integrated within the park setting;
- Elgin Street immediately north of Wilson Street should be closed officially except to permit access for Ontario Hydro vehicles. The lands and road right-of-way should be incorporated into the park and the existing on-street parking on Elgin Street should become parking for the park only;
- It is important to promote residential development consistent with the policies of the Neighbourhood Plan surrounding Beasley Park to provide "eyes on the park" and a greater sense of neighbourhood security; and,
- The small residential enclave on Cannon Street west of Elgin Street should be preserved as these dwellings represent a desirable form of housing within Beasley Neighbourhood.

Special Policy Area 8

The Smart/Turner Pump office structure on Barton Street East is regarded as an architecturally unique building in Beasley Neighbourhood and this structure should be preserved and encouraged to be redeveloped into a commercial use.

Special Policy Area 9

Beasley Neighbourhood contains a number of commercial parking lots that represent significant redevelopment potential for residential uses. A number of locations have been identified within Beasley and the following objectives should be considered in any future development initiative:

- Wider sidewalks, enhanced boulevard green space and greater building setbacks should be incorporated to facilitate an urban environment conducive to pedestrian traffic;
- Development should be at a scale and density that reinforces and maintains the lower-density character of Beasley Neighbourhood; and,
- New internal public roadways through the block should be facilitated wherever feasible as smaller city blocks create a more attractive urban ambience for residents, pedestrians and visitors.

Special Policy Area 10

The former Wesleyan German Church at the north-east corner of Rebecca Street and Ferguson Avenue North was opened in January, 1862 and was capable of seating 250 people. The building is presently vacant but was recently used as office space by an advertising firm. Retaining the historical resources of Beasley Neighbourhood is important and the original structure should be maintained.

Appendix "E" referred to in Section 12(a) of the **SIXTEENTH** Report of the Planning and Development Committee for 1996.



Bill No.C-59

The Corporation of the City of Hamilton

BY-LAW NO. 96—

To Remove

Land within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part,
as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. That the City of Hamilton agree to the dismissal of Ontario Court (General Division) Action #C14301/94 as against The Corporation of the City of Hamilton, without costs, together with the provision by the Plaintiff, Cheryl Jeske, of a Full and Final Release in a form satisfactory to the City Solicitor.
2. That the listing of Appointments to Permanent positions with the Corporation of the City of Hamilton to 1996 September 20, attached herewith and marked Appendix "A", be approved.
3.
 - (a) That approval be given to issue a purchase order in the amount of \$121,122, exclusive of G.S.T., and inclusive of a contingency (\$10,000) to commission Trio Roofing of Toronto, for the replacement of the roof at MacNab Recreation Centre, being the lowest price of seven quotations received in accordance with the specifications (Ref: C14-18-96) issued by the Purchasing Division; and,
 - (b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,
 - (c) That the expenditure be financed from Capital Fund Account CF 319441015 (\$54,900) and Major Maintenance Account CF 319541001 (\$66,222).
4. That a purchase order be issued to Johnston Motors, Hamilton in the amount of \$130,255.90, including all applicable taxes, for the replacement of units 1430, 1431, 1432, 1433 and 1715 for Fleet Services, being the lowest total acquisition cost of nine tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.
5. That a purchase order be issued to Eastgate Ford, Hamilton in the amount of \$36,075.50, including all applicable taxes, for the replacement of unit 9519 for Fleet Services, being the lowest total acquisition cost of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.

6. That a purchase order be issued to Slessor Pontiac Buick, Grimsby in the amount of \$89,275.65, including all applicable taxes, for the replacement of units 9049 and 9346 for Fleet Services, being the lowest total acquisition cost of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
7.
 - (a) That the City of Hamilton provide the funding in the amount of \$2,000 for the Gandhi Peace Festival; and,
 - (b) That this expenditure be funded through an approved overdraft of the Convention/Reception Account CH5A050 20020.
8.
 - (a) That the City of Hamilton place a one page greeting from the Mayor in the NHL Oldtimers Benefit Hockey Game - 1996 October 6 - Souvenir Program at a cost not to exceed \$550; and,
 - (b) That funds for this expenditure be provided from Account No. CH56302-12001 (Advertising and Promotion).
9.
 - (a) That the City of Hamilton provide funding in the amount of \$3,000 to host a reception for the participants of the Annual CIIA Foreign Policy Conference; and,
 - (b) That this expenditure be charged to the Special Civic Reception and Delegation Hosting Account CH54314-84010.
10.
 - (a) That the City engage the services of ABS Bailiff Service for the collection of outstanding business tax accounts effective 1996 October 1; and,
 - (b) That the City engage the services of P.D. Merrell Bailiff Inc. for the collection of business taxes on behalf of the City of Hamilton subject to the Courts providing judicial consent to this firm to practise as bailiffs in the Region of Hamilton Wentworth; and,
 - (c) That the City Solicitor be authorized and directed to prepare the necessary agreements for execution; and,
 - (d) That in addition to utilizing bailiffs for the collection of outstanding business taxes, the Treasurer be authorized to use bailiffs for the collection of outstanding realty taxes on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account; and,
 - (e) That the Revised City of Hamilton Business and Realty Tax Collection Procedures be approved, attached herewith and marked Appendix "B".

1996 October 8

11. (a) That Alderman D. Wilson, the City Clerk and Chief Licence Inspector be appointed to the Region's Task Force reviewing the regulation of Second Level Lodging Homes; and,

(b) That, in keeping with the previous decision of the Finance and Administration Committee and City Council, evaluating the relative merits of collecting the \$50 per bed user fee by the municipality not be included in the terms of reference for the Task Force.
12. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-53 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 October 1**

Appendix "A" referred
to in Section 2 of the
SIXTEENTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. H. Wroblewski	I	Property Clerk 6B	Property	Replacing Ms. K. Knox - promoted, July 15/96	\$25,396.28 to \$27,605.76	July 15/96

Prepared September 20, 1996

Status -
Internal - I
External - E

CITY OF HAMILTON
TREASURY DEPARTMENT

REALTY TAX COLLECTION PROCEDURES

1. Realty tax instalment bills are forwarded to the owner or agent of each taxable property in the first weeks of February, March, May and September. The taxpayer has the option in February and May of paying two instalments at once thereby taking advantage of a prepayment discount offered by the City. Alternatively the instalment due dates are the last working days of February, March, June and September.
2. Throughout the year any arrears carried forward from previous current year instalments or outstanding balances from previous years are shown on the tax bill as arrears and included in the total amount due.
3. Personalized letters from the Treasurer or Tax Collector are forwarded in July of each year to all property owners with outstanding accounts in excess of \$20,000.
4. In December of each year reminder notices are sent out to the assessed address and the most recent change of address shown on the City's tax records, for all amounts outstanding greater than or equal to \$25.
- *5. All accounts that will become two years in arrears in January of the following year are sent notices in November of the current year advising of the potential for tax registration procedures on the property.
6. All accounts that will become three years in arrears in January of the following year are sent notices in November of the current year with respect to pending tax registration procedures. The owners are advised to pay that portion of the tax that would become three years in arrears in January.
7. Consideration/use of rent attornment in circumstances where taxes are outstanding and rent continues to be paid to the landlord. **Consider the use of bailiffs for the collection of outstanding realty taxes on accounts on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account.**
8. In January all of those properties that have become three years in arrears and have made no arrangement with the Tax department to remit payment on the account are again notified of the situation. At this point they are advised that the City will proceed to register the property for tax arrears, should no payment be made or arrangement agreed upon.

9. A final notice in the form of a personalized letter from the Treasurer or Tax Collector will be forwarded to the assessed owner prior to the registration of the tax arrears certificate.
10. Once the tax arrears certificate is registered on the property the owner(s) has one full year from date of registration to make payment on the taxes in full. During that year all interested parties as registered on the title of the property, the Sheriff's office and tenants according to the assessment roll are notified of the existing tax arrears certificate on the property.
11. After the one year redemption period expires the file is forwarded to our Law Department to ensure compliance with respect to notification as specified by the act. Once the Law Department verifies that the requirements of the Act have been carried out they advise the Tax section to proceed with the sale of the property.
12. The property is sold and upon completion of the sale the tax arrears are paid from the proceeds and the balance is forwarded to the court. Any balance remaining after the court satisfies any other lien holders on the property can be recovered by the original owner after their application to the court.

*Recommended revisions to collection procedures not implemented to date

CITY OF HAMILTON
TREASURY DEPARTMENT

BUSINESS TAX COLLECTION PROCEDURES

1. During the first weeks of February and May of each year, business tax bills for the pre-levy and levy instalments are forwarded to each business tax account as they appear on the most recently returned assessment roll. These bills are due on the last working day of the month in which they are levied.
2. Staff will attempt to make personal contact by telephone with the business taxpayers having outstanding accounts in excess of \$5,000. in an effort to collect these accounts or make satisfactory arrangements.
3. Fifteen days after the pre-levy due date, a "final notice" is forwarded to all business tax accounts where the current year taxes remain outstanding. Accounts with prior years' arrears which have been previously assigned to a bailiff or collection agency will not receive a "final" notice. For these accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.
4. Fifteen days after the "final notice" is issued for the February pre-levy, warrants are issued to the bailiffs for all accounts that are in arrears in excess of \$ 1,000. The bailiffs will notify the City of any accounts which are out of business in order that staff can take the appropriate action including forwarding the account to the collection agency if further collection action is required.
5. All other accounts that are not paid, confirmed out of business, or have not entered into an acceptable payment arrangement are forwarded to the collection agency on the "special program" in the first week of the month following the sending of the "final notice". During the next thirty day period each account on the program receives a notice from the collection agency and are contacted by phone.
6. The outstanding balances from the pre-levy billing are included in the May levy billing, and appear as arrears on those bills with a message indicating that arrears are to be paid to the bailiff or the collection agency.
7. A "final notice" will be issued fifteen days after the levy due date for those accounts with no previous arrears. A final notice will not be issued to those accounts with outstanding arrears. For those accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.

Fifteen days after the "final notice" is issued for the May levy, warrants will be produced and issued to the bailiffs for all accounts that are in excess of \$ 1,000. The bailiffs will notify the City of out of business accounts in order that staff can take the appropriate action including collection action if appropriate.

The balance of the outstanding accounts which are less than \$ 1,000 will be forwarded to the collection agency on the "special program".

8. Following the July "special program", a reconciliation of accounts collected and outstanding is computed and the outstanding accounts are redirected to the collection agency for regular collection. At this juncture the collection agency works the accounts until:
 - a) They are collected.
 - b) It is confirmed that the business has ceased operation at this address, thereby requiring a tax appeal.
 - c) The agency recommends legal action and requested permission to proceed with same.
 - d) Alternate payment arrangements (e.g. post-dated cheque) are agreed.
 - e) The agency recommends the account be written off as uncollectible.
9. As accounts are processed through the tax or assessment appeal systems, credits are applied to the accounts in accordance with the direction of the respective authoritative bodies.
10. **Utilize the services of bailiffs to make seizures, if necessary, where the collection agency is unable to enforce collection and the business continues to operate.**
11. As they are approved by City Council credits are applied to the accounts for recommended write offs.

**NOTICE OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION

1996 September 24

Moved by: Alderman .Don Ross.....

Seconded by: Alderman

WHEREAS, the Region has passed a Motion September 19, 1995, asking the Province to designate Hamilton/Wentworth as a site for a Provincially-run Casino,

WHEREAS, the Province has stated they require a Referendum showing a majority of the people in a Municipality want a Casino,

and, WHEREAS, the Region does not have a ballot in any Municipal Election,

"DO YOU AGREE TO A FULL-FLEDGED CASINO IN YOUR MUNICIPALITY?"

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 OCTOBER 8
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 96 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 25 (Parking Time Limits) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"East 36th	West	Crockett to Munn	1hr	8 am - 6 pm	Mon - Fri
Robert	Both	West Avenue to Victoria	1hr	8 am - 6 pm	Mon - Fri."

2. Schedule 26 (No Parking Areas) of said By-law is hereby amended by adding thereto the following items, namely:-

"Morley	South	Lampton to 58 feet westerly therefrom	Anytime
Tisdale	East	King William to Wilson	Anytime
Warren	East	Wingate to 100 feet northerly therefrom	Anytime
Hillview	West	Ainslie to the southerly end	Anytime."

3. Schedule 27 (Alternate Side Parking) of said By-law is hereby amended by adding thereto the following item, namely:-

"Tisdale Street			
Wilson Street to Cannon Street	East	West."	

and by deleting therefrom the following item, namely:-

"Tisdale Street			
King William to Cannon Street	East	West."	

4. Schedule 34 (Sticker Permit Parking) of said By-law is hereby amended by adding thereto the following items, namely:-

"Francis	North	commencing 68 feet west of Douglas and extending 20 feet westerly therefrom	Anytime
Francis	South	commencing 106 feet west of Douglas and extending 17 feet westerly therefrom	Anytime
Kinnell	North	commencing 178 feet west of Inchbury and extending 18 feet westerly therefrom	Anytime
Balsam	West	commencing 189 feet north of Afton and extending 16 feet northerly therefrom	Anytime

Balsam	East	commencing 174 feet north of Afton and extending 19 feet northerly therefrom	Anytime."
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and by deleting therefrom the following items, namely:-

"Tisdale	East	commencing at a point 38 feet north of King William to a point 20 feet northerly therefrom	Anytime
William	West	commencing at a point 216 feet south of Birge to a point 23 feet southerly therefrom	Anytime."

PASSED this	day of	A.D. 1996.
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CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

TO INCORPORATE CITY LAND DESIGNATED
AS BLOCK 30 ON PLAN 62M-745
INTO RACALMUTO STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Racalmuto Street within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Racalmuto Street.

All of Block 30 on Plan 62M-745.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 4 ON PLAN 62R-11902
INTO BERKINDALE DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Berkindale Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway, to form part of Berkindale Drive.

Part of Lot 24, Concession 2, in the geographic Township of Saltfleet, designated as Part 4 on Plan 62R-11902.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

**TO INCORPORATE CITY LAND DESIGNATED
AS PART 3 ON PLAN 62R-11902
INTO DONN AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Donn Avenue within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Donn Avenue

Part of Lot 24, Concession 2, in the geographic Township of Saltfleet, designated as Part 3 on Plan 62R-11902.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

**TO INCORPORATE CITY LAND DESIGNATED
AS BLOCK 11 ON PLAN 62M-777
INTO EMBASSY DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Embassy Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Embassy Drive.

All of Block 11 on Plan 62M-777.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 96-

TO INCORPORATE CITY LAND DESIGNATED
AS BLOCK 31 AND 33 ON PLAN 62M-745
INTO LOCHEED DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Lockheed Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Lockheed Drive.

All of Block 31 and all of Block 33 on Plan 62M-745.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1996

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 620 KING STREET WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

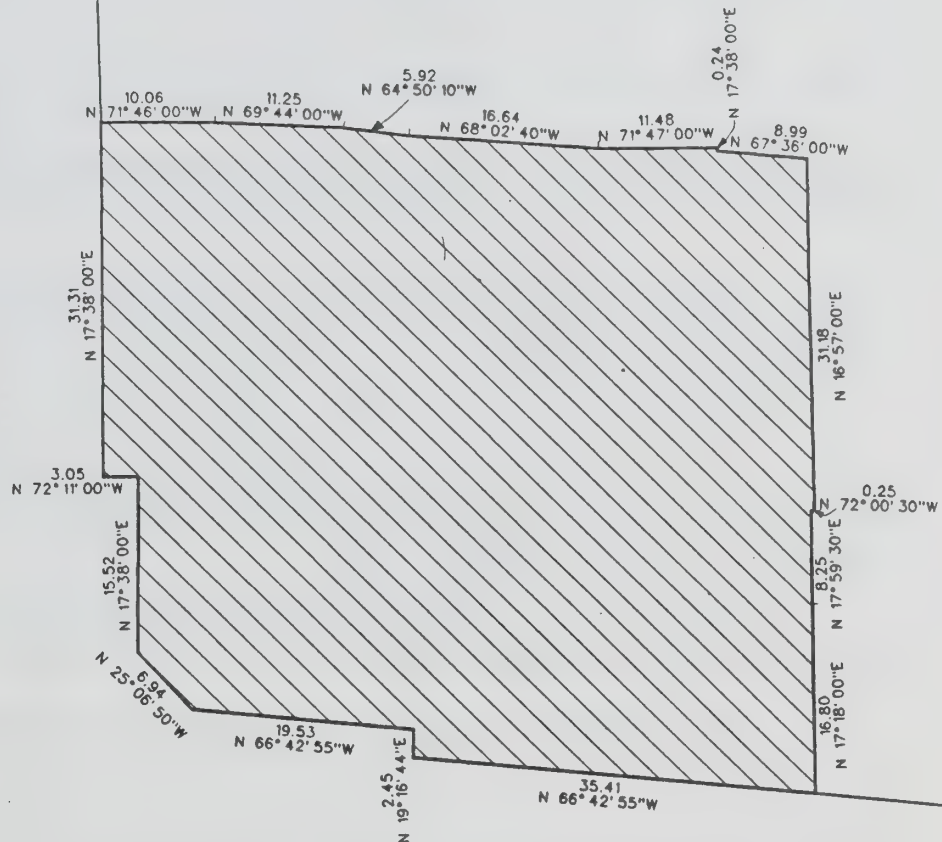
1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 160. Land located at Municipal No. 620 King Street West, shown on Appendix 160 hereto annexed and forming part of this by-law.
2. Appendix 160 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

NORTH
STREET
DUNDURN



KING STREET WEST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 160
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to Section 41 of the
Planning Act, R.S.O. 1990.



11

Scale
Not to Scale
Date
October 1996

Reference File No.
DA-96-12
Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

By-law No. 90-197

Respecting:

THE MAIN STREET WEST ESPLANADE BUSINESS IMPROVEMENT AREA

WHEREAS By-law No. 90-197, passed on the 26th day of June 1990, designated and described the improvement area referred to therein as the "Main Street West Esplanade Business Improvement Area", in accordance with subsections 217(1) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 10 of the 10th Report of the Planning and Development Committee on the 25th day of June 1996, directed that the Main Street West Esplanade Business Improvement Area boundaries be expanded in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS the Notice of Intent to expand the existing boundaries of the Business Improvement Area has been circularized to the Business Improvement Area membership and the proposed expansion area.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 90-197 is amended by expanding the boundaries, as described in Schedule "A" hereto annexed and as shown on a plan hereto annexed as Schedule "B", each forming part of this by-law, to include the following:

Main Street West from Dundurn Street to Locke Street

2. In all other respects, By-law No. 90-197 is hereby confirmed, unchanged.
3. This by-law comes into effect on the 1st day of January, 1997.

PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

SCHEDULE "A"

By-law No. 96-

Main Street West Esplanade
Business Improvement Area

That land located in the City of Hamilton, Regional Municipality of Hamilton-Wentworth, described as follows;

Commencing at the centre line of Locke Street, distance of one hundred point forty five feet (100.45') north of the northerly limit of Main Street;

Thence easterly a distance of sixteen point forty seven feet (16.47') more or less, to a point in the easterly limit of Locke Street, distant one hundred feet (100.00') measured northerly there along from its intersection with the northerly limit of Main Street West;

Thence easterly and parallel with the southerly limit of Nelson Street, a distance of one hundred point five zero feet (100.50') more or less, to an iron bar planted;

Thence south $17^{\circ}24'56''$ west along the easterly limit of #334 Main Street West as described in Instrument 338188CD, a distance of eighty one point three six feet (81.36') more or less, to a point in the northerly limit of Main Street West;

Thence south $72^{\circ}50'39''$ east along the northerly limit of Main Street, a distance of one hundred one point three feet (101.30') to a point;

Thence northerly and parallel to Pearl Street a distance of fifty nine point zero feet (59.00') more or less, to a point in the southerly limit of St. Vincent Roman Catholic School land;

Thence easterly along said St. Vincent land twenty three point eighty three feet (23.83') to a point;

Thence southerly and parallel with Pearl Street fifty nine point zero feet (59.00') more or less to a point in the northerly limit of Main Street;

Thence south $72^{\circ}50'39''$ east along the northerly limit of Main Street a distance of one hundred twenty point zero feet (120.00') more or less to its intersection with the westerly limit of Pearl Street;

Thence north $17^{\circ}21'36''$ east along the westerly limit of Pearl Street to a point west of and at right angles to a point in the easterly limit of Pearl Street, distant two hundred sixty four point zero feet (264.00') measured south $17^{\circ}16'55''$ west there along from the southerly limit of George Street;

Thence to and along a fence marking the northerly boundary of Lot 13 according to James Mills Survey a distance of eighty seven point zero feet (87.00') to a bend in the fence;

Thence continuing easterly along a fence marking the limit between Lots 11 and 13 a distance of twenty seven point sixty seven feet (27.67') and a further distance of twenty three point eighty three feet (23.83') more or less to the fence marking the division line between Lots 8 and 13 on the James Mills Survey;

Thence southerly along said division line eighty five point eighty three feet (85.83') more or less to a point in the northerly limit of Main Street;

Thence south $72^{\circ}59'30''$ east along the northerly limit of Main Street to the southwesterly angle of Lot 12 on said James Mills Survey;

(cont'd pg 2)

Description of Main Street West Esplanade - Business Improvement Area

Thence northerly to and along the westerly limit of Lot 12 one hundred thirteen point five feet (113.50') more or less to the southerly boundary of a twelve point zero feet wide alley (12.00') running westerly from Ray Street;

Thence easterly along the southerly limit of said alley a distance of one hundred twenty five point three feet (125.30') more or less to its intersection with the westerly limit of Ray Street;

Thence north easterly to a point in the easterly limit of Ray Street, distant one hundred twenty five point five zero feet (125.50') measured northerly there along from the northerly limit of Main Street;

Thence easterly along an existing fence eighty three point three seven feet (83.37') to a point;

Thence north 17°17'36" east and parallel to Ray Street a distance of fifty one point five zero feet (51.50') to a point;

Thence easterly along a fence marking the northerly limits of Lots 7, 8 and 9, in Block 2, Range 1, of the James Mills Survey registered as Plan 1435 to the north easterly angle of Lot 9 aforesaid;

Thence continuing easterly along the southerly limit of Lot 6 a distance of twenty nine point five feet (29.50') more or less to a planted iron bar, distant one hundred six point forty two feet (106.42') measured westerly there along from the southeasterly angle thereof;

Thence northerly thirty point zero feet (30.00') along a line which if produced northerly would intersect the southerly limit of George Street at a point therein distant ninety eight point seventeen feet (98.17') measured westerly along the said southerly limit of George Street from the westerly limit of Queen Street;

Thence easterly one hundred four point twenty one feet (104.21') more or less to a point in the westerly limit of Queen Street distant ninety eight point zero feet (98.00') measured southerly there along from the southerly limit of George Street aforesaid;

Thence south 72°50'30" east and at right angles to the westerly limit of Queen Street a distance of thirty three point zero feet (33.00') to a point;

Thence southerly along the centre line of Queen Street being also the original road allowance between Lots 16 and 17, Township of Barton, a distance of three hundred twenty six point zero feet (326.00') more or less to a point of intersection, said intersection being the centre line of Queen Street and the production easterly of the southerly limits of Lots 2, 5, 7, 9 and 11, in the James Mills Survey in the block bounded by Jackson Street, Ray Street, Main Street and Queen Street;

Thence westerly to and along said southerly limits of Lots 2, 5, 7, 9 and 11, to the southwesterly angle of Lot 11 in the last mentioned block;

Thence northerly to and along the westerly limit of Lot 11 last mentioned a distance of thirty point zero feet (30.00') more or less to a point distant seventy point zero feet (70.00') measured southerly there along from the north westerly angle thereof;

Thence westerly and parallel to the northerly limit of Lots 13 and 14 being also Main Street, a distance of one hundred feet (100.00') more or less to its intersection with the easterly limit of Ray Street;

(cont'd pg 3)

Description of Main Street West Esplanade - Business Improvement Area

Thence westerly across Ray Street a distance of fifty point fifteen feet (50.15') more or less to a point in the westerly limit of Ray Street distant sixty seven point forty two feet (67.42') measured southerly there along from the southerly limit of Main Street;

Thence westerly and parallel to Main Street a distance of fifty point zero feet (50.00') to a point;

Thence southerly along the easterly limit of Lot 2 in the block bounded by Jackson Street, Pearl Street, Main Street and Ray Street in the James Mills Survey a distance of thirty two point fifty eight feet (32.58') to the south east angle of said Lot 2;

Thence westerly along the southerly limits of Lots 2, 5, 7, 9, 11 and 13 in the last mentioned Block and James Mills Survey to the south west angle of Lot 13;

Thence northerly to and along the westerly limit of Lot 13 a distance of thirty point zero feet (30.00') to a point;

Thence westerly and parallel to the southerly limit of Main Street a distance of fifty point zero feet (50.00') to a point in the easterly limit of Pearl Street, distant seventy point zero feet (70.00') measured southerly there along from the southerly limit of Main Street;

Thence westerly across Pearl Street a distance of fifty point zero feet (50.00') more or less to a point in the westerly limit of Pearl Street distant eighty six point zero feet (86.00') measured southerly there along from the southerly limit of Main Street;

Thence westerly and parallel to Main Street a distance of sixty one point eleven feet (61.11') more or less to a fence running northerly in the block bounded by Jackson Street, Locke Street, Main Street and Pearl Street in the James Mills Survey aforementioned;

Thence southerly and parallel to the westerly limit of Pearl Street a distance of twelve point twenty five feet (12.25') to a point on a fence;

Thence westerly to and along the southerly limits of Lots 2, 5, 8, 9 and 12, in the last mentioned block and survey to the southwesterly angle of Lot 12;

Thence northerly along the westerly limit of said Lot 12 a distance of thirty five point five feet (35.50') more or less to a point, distant sixty two point zero feet (62.00') measured southerly there along said westerly limit of Lot 12 from the southerly limit of Main Street;

Thence westerly and parallel to Main Street a distance of fifty one point zero feet (51.00') more or less to a point in the easterly limit of Locke Street;

Thence continuing westerly and parallel to Main Street a distance of sixty six point zero feet (66.00') more or less to a point in the western limit of Locke Street distant one hundred point zero feet (100.00') south of the south limit of Main Street;

Thence westerly parallel with the south limit of Main Street to its intersection with the centre line of Dundurn Street South;

Thence northerly along the centre line of said Dundurn Street South to its intersection with the westerly production of the south limit of an alley as widened by City of Hamilton By-Law 96- ;

Thence easterly to and along the said southern limit of said alley a distance of one hundred fifty six point five feet (156.50') to a point in the western limit of Lot 10, Registered Plan 166;

(cont'd pg 4)

Description of Main Street West Esplanade - Business Improvement Area

Thence southerly along the western limit of said Lot 10 to the south west corner thereof;

Thence easterly along the southern limit of said Lot 10 being the northern limit of Lots 7 and 8, Registered Plan 166 to the north east corner of Lot 8.

Thence southerly along the eastern limit of said Lot 8, being the western limit of Lot 9, Registered Plan 166, a distant of fifty point zero feet (50.00') to a point;

Thence easterly parallel with the southern limit of said Lot 9, being the northern limit of Main Street West, a distance of fifty point zero feet (50.00') to a point in the western limit of New Street;

Thence northeasterly to a point in the east limit of said New Street being the north west corner of Lot 1, Registered Plan 398;

Thence easterly along the northern limit of Lots 1, 2, 3, 4, 5 and 6, Registered Plan 398 to the northeast corner of said Lot 6;

Thence easterly across Lots 7, 8 and 9, Registered Plan 398 and Lots 27 and 28, Registered Plan 389 to a point in the interior of Lot 28, distant sixty six point zero feet (66.00') north of Main Street West and seventy two point zero feet (72.00') west of Strathcona Avenue;

Thence easterly seventy two point zero feet (72.00') to the western limit of said Strathcona Avenue;

Thence southerly to a point in the eastern limit of said Strathcona Avenue distant forty seven point zero feet (47.00') north of south west corner of Lot 31, Registered Plan 389;

Thence easterly parallel with the south limit of said Lot 31, being the north limit of Main Street West, a distance of seventy point zero feet (70.00') to a point;

Thence northerly parallel with the east limit of Strathcona Avenue to the south limit of an alley, on Registered Plan 389;

Thence easterly along the said south limit of alley, to the west limit of Margaret Street;

Thence easterly to the eastern limit of Margaret Street also the south limit of another alley being the north west corner of Lot 13, Registered Plan 227;

Thence easterly along the south limit of said alley being the north limit of Lots 13, 12 and 11, Registered Plan 227 to the north east corner of said Lot 11;

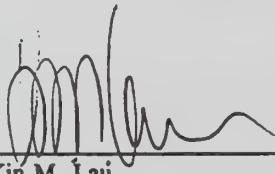
Thence easterly twelve point zero feet (12.00') more or less to the east limit of another alley distant one hundred point zero feet (100.00') from the north limit of Main Street West;

Thence easterly parallel with the north limit of Main Street to the point of commencement.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

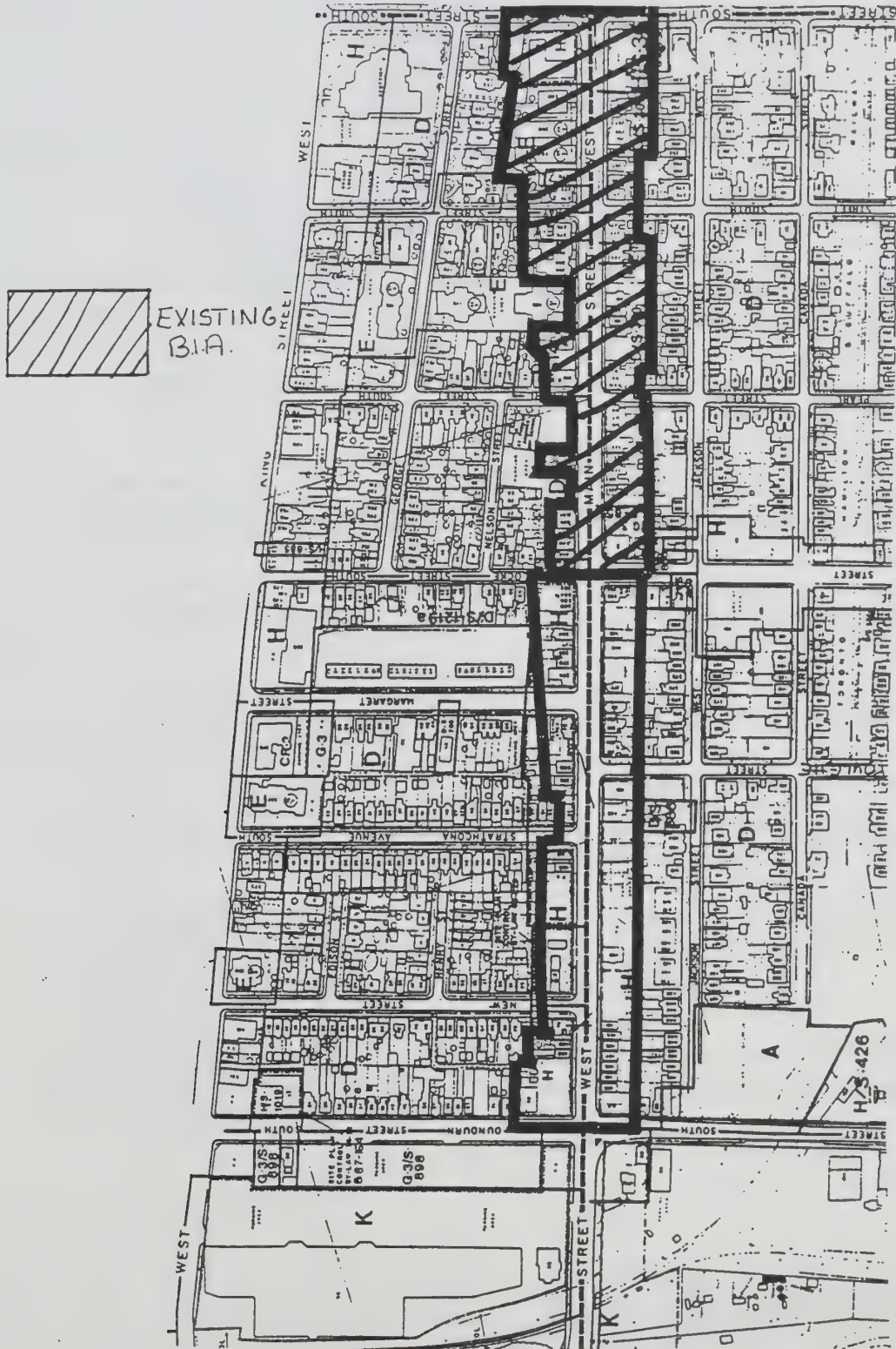
October 1, 1996


Kin M. Lai
Ontario Land Surveyor

SCHEDULE "B"

By-law No. 96-

Main Street West Esplanade
Business Improvement Area



The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Adopt:

Official Plan Amendment No. 136

Respecting:

**LANDS LOCATED WEST OF UPPER PARADISE ROAD BETWEEN
STONE CHURCH ROAD WEST AND RYMAL ROAD WEST
WITHIN THE FALKIRK WEST NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 136 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

(1996) 14 R.P.D.C. 3, September 24
City Initiative
Falkirk West Neighbourhood Plan

Amendment No. 136

to the

City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 136.

Purpose:

The purpose of this Amendment is to redesignate an 8.8 acre parcel of land from "Residential" and "Major Institutional" to "Open Space" to recognize the Tiffany Creek Environmentally Sensitive Area.

Location:

The lands affected by this Amendment are located within the western portion of the Falkirk West Neighbourhood.

Basis:

The basis for redesignating the subject lands from "Residential" and "Major Institutional" to "Open Space" is as follows:

- 1) The Tiffany Creek Environmentally Sensitive Area contains a Provincially Significant Wetland - development is not permitted on Provincially Significant Wetlands;
- 2) The subject lands within the Falkirk West Neighbourhood are one component of the broader "Tiffany Creek Headwaters Environmentally Significant Area", as identified by the Region of Hamilton-Wentworth Official Plan; and,
- 3) The approved Falkirk West Neighbourhood Plan recognizes the importance of the Tiffany Creek Environmentally Sensitive Area as a key feature of the Neighbourhood to be preserved and enhanced.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the 8.8 acre parcel of land within the western portion of the Falkirk West Neighbourhood from "Residential" and "Major Institutional" to "Open Space", as shown on the attached Schedule "A" of this Amendment.

Implementation:

Approval of this Amendment by the Regional Municipality of Hamilton-Wentworth will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 96- , passed on the day of , 1996.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

Schedule "A"
Amendment no.136
to the
Official Plan
for the
City of Hamilton

Legend area to be changed from: "residential" to "Open Space" "major institutional" to "Open Space"	
Date: October 1996	Drawn by: F. Angillet
Reference File No. OPA136	

Lake Ontario

DEFERRED NO D-6
 UNDER SECTION 14(3) OF
 THE PLANNING ACT

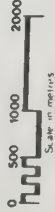
Cootes
 Paradise

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area
- windermere basin
- per numbers
- sub regional centre

schedule A
 to the official plan
 for
 the city of hamilton
 AUGUST 8, 1996



The Corporation of the City of Hamilton

BY-LAW NO. 96 -

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED WEST OF WEST FIFTH STREET, SOUTH OF THE
PROPOSED MOUNTAIN FREEWAY AND NORTH OF CHESTER STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9B of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District, to "C"- 'H' (Urban Protected Residential, etc. - Holding) District, the lands comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol referred to in section 1 shall be removed conditional upon the applicant applying for and receiving approval by the Region of Hamilton-Wentworth of a Plan of Subdivision;

- (b) The 'H' symbol shall be removed by an amendment to this by-law and the development of the lands referred to in section 1 may proceed at such time in accordance with the "C" District provisions.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1367.

4. Sheet No. W-9B of the District Maps is amended by marking the lands referred to in section 1. of this by-law, S-1367.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1996

CITY CLERK

MAYOR

(1996) 13 R.P.D.C. 3, August 27
Gus and Mike Holdings Ltd., Owner
ZAC-95-04

NORTHEAST CORNER OF
LOT 16, CONCESSION 7

WEST FIFTH STREET

LIMERIDGE ROAD WEST

NORTHWEST CORNER OF
LOT 16, CONCESSION 7

ANNABELLE STREET

CHESLEY STREET

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
Passed the day of, 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A
Map Forming Part of
By-Law No. 96-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to: "C"- "H"
(Urban Protected Residential, etc. -
Holding) District.

North

24

Scale
Not to Scale

Date
September 1996

Reference File No.
ZAC-95-04

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96—

To Remove

Land within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part,
as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

Lots 2 to 9 inclusive and Lot 12 within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on January 1, 1997.

PASSED this day of

A.D. 1996.

City Clerk

Mayor

BY-LAW NO. 96 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8TH DAY OF OCTOBER A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of October A.D. 1996

CITY CLERK

MAYOR

URBAN\MUNICIPAL
CAY ON HBL AOS
A31
1996
1996 October 24



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1996 October 29
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

URBAN MUNICIPAL

OCT 29 1996

A G E N D A

GOVERNMENT DOCUMENTS

- 1. National Anthem.**
- 2. Opening Prayer: Pastor Jacques Fortin
Notre Dame Perpetual Secours Church**
- 3. Presentations: CERTIFICATES OF RECOGNITION
The Spectator
Union Gas
Landscape Ontario
Dofasco
Metropolitan Hamilton Real Estate Board
Mills Lighthouse**
- 4. Adoption of the minutes of the meetings held 1996 October 8.**
- 5. Correspondence\Petitions**
- 6. Reports of the Standing Committees:**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
 - (e) Committee of the Whole (report to follow)**
- 7. Notices of Motion for next meeting.**
- 8. Question Period.**
- 9. Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1996 October 8
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Jackson, Merling, D'Amico, Ross.

Absent: Alderman B. Charters - City Business
Alderman T. Anderson - Regional Business

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Stephen Deak, St. Michael Hungarian Greek Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the regular meeting held 1996 September 24 and the special meeting held 1996 October 1 were adopted as circulated.

PRESENTATIONS

Mayor R. Morrow and Joanne Bedard, Chair of the Ontario Heritage Foundation presented the Ontario Heritage Foundation's Heritage Community Recognition Award to Robert Brough.

Mr. Myron Karp, Chairman, Hamilton Society of Architects presented the Downtown Ideas Report and Recommendations to Mayor R. Morrow.

CORRESPONDENCE

1. Application dated 1996 September 20 from 583783 Ontario Incorporated, Victor P. Pala, Architect Ltd. Hamilton, Ontario for a further modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 10 Herkimer Street and for a modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 9 and 11 Charlton Avenue.

Received.

2. Letter dated 1996 October 4 from Mr. R. C. Prowse, Regional Clerk for the Regional Municipality of Hamilton-Wentworth respecting a regional council resolution regarding a casino in Hamilton-Wentworth.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -15

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT

Section 22 Re: Hamilton Bench Advertising Ltd. - placement of benches on city road allowances

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. - 13.

NAYS: Aldermen Caplan, Copps. -2. **CARRIED.**

* * * * *

Section 23 (b) Re: Angela Avenue - surplus lands

It was moved by Alderman McCulloch and seconded by Alderman Drury that Sub-Section (b) of Section 23 of the Fourteenth Report of the Transport and Environment Committee be amended by deleting the words "a price less than" in the third line. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - SIXTEENTH REPORT

Section 9 Re: Amendment to By-law No. 93-167: To authorize permits and fees

It was moved by Alderman Drury and seconded by Alderman Kiss that Section 9 of the Sixteenth Report of the Planning and Development Committee be referred back. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

COMMITTEE OF THE WHOLE - SIXTH REPORT

RESOLUTION

Purchase and Installation of kitchen equipment for Dundurn Castle

Re: Rule No. 9 - Purchase and Installation of kitchen equipment for Dundurn Castle

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a motion respecting the purchase and installation of kitchen equipment for Dundurn Castle. **CARRIED.**

* * * * *

Re: Purchase and Installation of kitchen equipment for Dundurn Castle

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Section 4 of the Thirteenth Report of the Parks and Recreation Committee for 1996 which was adopted by City Council at its meeting held 1996 September 24 respecting the purchase and installation of kitchen equipment for Dundurn Castle, be rescinded and replaced with the following:

- "(a) That a Purchase Order be issued to Niagara Restaurant Supply Limited, St. Catharines in the amount of \$56,292.80 plus all applicable taxes, for the supply, delivery and installation of kitchen/restaurant equipment for Dundurn Castle Stable Restaurant/Conference Centre, being the lowest acceptable of seven (7) tenders received in accordance with specifications issued by Purchasing and Vendor's tender and be financed through Account No. CF719441022, Dundurn Castle Restoration, Final Phase; and,
- (b) That staff be authorized to expend \$7,000 in contingency to cover installation and hookups of equipment and other unforeseen circumstances; these expenditures are to be pre-

- (b) That staff be authorized to expend \$7,000 in contingency to cover installation and hookups of equipment and other unforeseen circumstances; these expenditures are to be pre-authorized by the Director of the Culture and Recreation Department; and,
- (c) That the total amount of \$63,292.80 plus applicable taxes be charged to Account No. CF719441022."

CARRIED.

RESOLUTION

Helicopter landing in Pier 4 Park/Brian Timmis Stadium

Re: Rule No. 9 - Helicopter landing

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration regarding permission to land a helicopter in Pier 4 Park and/or Brian Timmis Stadium.

CARRIED.

* * * * *

Re: Helicopter landing at Pier 4 Park/Brian Timmis Stadium

It was moved by Alderman Eisenberger and seconded by Alderman Collins that the following recommendation be approved:

1. That approval as required by Parks By-Law 95-126, Section 23 be given to the National Helicopter Inc. to land a helicopter in Pier 4 Park and/or Brian Timmis Stadium as part of the site inspection visits by Canada Games Officials, subject to the following terms and conditions:
 - a) That proof of insurance be provided in the amount of \$10 million for Comprehensive General Liability, Property Damage, Bodily Injury and subject to cross-liability and severability provisions, naming the City and The Ministry of Citizenship, Culture and Recreation, and the City of Brantford as additional insured; and,
 - b) That requirements as identified by Transport Canada are met.

- c) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - d) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.
 - e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
- CARRIED.**

<p>RESOLUTION</p> <p>Local Government Restructuring</p>
--

Re: Rule No. 9 - Local Government Restructuring

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law be invoked in order to permit consideration of a resolution respecting the City of Hamilton position on Local Government Restructuring. **CARRIED.**

* * * * *

Re: Local Government Restructuring

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that the City of Hamilton confirm its decision of June 6th 1996 with respect to Municipal Reform and Reject the Regional Council position on restructuring of October the 1st 1996. Additionally we ask that the Minister of Municipal Affairs take action towards the implementation of the City of Hamilton's one tier position. **CARRIED.**

* * * * *

Re: Local Government Restructuring

It was moved by Alderman Eisenberger and seconded by Alderman Agro that the motion respecting Local Government Restructuring be amended by adding the following after the word "Reform" in the second line - "with the exception of the year of implementation referred to in sub-section (e) being changed from the year 2000 to "prior to the next municipal election", in order that the following be the City of Hamilton position on Local Government Restructuring:

- (a) Amalgamated tax base

- (b) representation by population - approximately 20,000 people per Ward
- (c) amalgamation of all area municipalities into the City of Hamilton
- (d) eliminate the Region and devolve all staff and services into the City of Hamilton
- (e) final implementation prior to the next municipal election.

Recorded vote on amendment.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Collins, Jackson, Merling. -6. **CARRIED.**

* * * * *

Recorded vote on amended resolution.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Collins, Jackson, Merling. -6. **CARRIED.**

* * * * *

Resolution as amended.

That the City of Hamilton confirm its decision of June 6th 1996 with respect to Municipal Reform, with the exception of the year of implementation referred to in subsection (e) being changed from the year 2000 to "prior to the next municipal election", and reject the Regional Council position on restructuring of October the 1st 1996, in order that the following be the City of Hamilton position on Local Government Restructuring:

- (a) amalgamated tax base
- (b) representation by population - approximately 20,000 people per ward
- (c) amalgamation of all area municipalities into the City of Hamilton
- (d) eliminate the Region and devolve all staff and services into the City of Hamilton
- (e) final implementation prior to the next municipal election

Additionally we ask that the Minister of Municipal Affairs take action towards the implementation of the City of Hamilton's one tier position.

RESOLUTION
5% Land Dedication

Re: 5% Land Dedication

It was moved by Alderman Jackson and seconded by Alderman Eisenberger that Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee approved by City Council at its meeting held Tuesday, 1996 July 9, respecting the 5% Land Dedication, reading as follows be now reconsidered.

11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,
- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
- (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning Bylaw No. 6593.
- CARRIED.**

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Ross. -11.

NAYS: Mayor Morrow, Aldermen Merling, D'Amico. -3. **CARRIED.**

It was moved by Alderman Jackson and seconded by Alderman Eisenberger

- a) That Section 11 of the Thirteenth Report of the Finance and Administration Committee for 1996 be referred to a Special Committee of the Whole Meeting to be held prior to the next regular meeting of City Council scheduled for 1996 October 29; and,
- b) That staff be directed to provide a report at the special Committee of the Whole Meeting on the impact of the 5% Land Dedication Policy to date as well as potential future impacts.

NOTICE OF MOTION FROM PREVIOUS MEETING
Casino in Hamilton

Re: Provincially run casino in Hamilton

It was moved by Alderman Ross and seconded by Alderman D'Amico that

WHEREAS, the City of Hamilton has passed a Motion November 14, 1995, asking the Province to designate Hamilton as a site for a Provincially-run Casino,

WHEREAS, the Province has stated they require a Referendum showing a majority of the people in a Municipality want a Casino,

THEREFORE, the City place the following question on the ballot for the next General Municipal Election:

"DO YOU AGREE TO A PROVINCIALY RUN CASINO IN THE CITY OF HAMILTON?"

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -13.

NAYS: Aldermen Copps, Wilson. -2.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -15

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:35 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 October 8
JJS/dg

CORRESPONDENCE

Correspondence:

1. Application dated 1996 October 1 from 1099689 Ontario Ltd. c/o Micor Developments Inc., 55 Frid Street, Hamilton for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located south of Kordun Street and west of Upper Paradise.

Recommendation:

Be Received.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval as required by Parks By-law No. 95-126, Section 43(1) be given to the Director of Culture and Recreation to post advertising signage at the Chedoke Winter Sports Park for the 1996-1997 Ski Season (1996 December 18 - 1997 March 2); and,

(b) That the Director of Culture and Recreation be authorized to solicit for advertisers at the Chedoke Winter Sports Park at the rates as outlined in Appendix "A" attached hereto.
2. That authorization be given to the Director of Culture and Recreation to enter into a License Agreement satisfactory to the City Solicitor between the Corporation of the City of Hamilton and Lloyd D. Jackson Square for use of mall space by members of the First Night Art Show Committee to host the First Night Art Show during the month of December.
3. That approval as required by Parks By-law No. 95-126, Section 29 be granted to the Grey Cup Hamilton Inc. to use the existing parking lot facility off of Lawrence Road and ball diamond area of Gage Park for Game Day parking requirements, 1996 November 24, subject to the following terms and conditions:
 - (a) That proof of \$5 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted thirty (30) days in advance of the event and naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assumes responsibility for all labour-related charges associated with the event, (set-up, dismantling, clean-up, damages, snow removal, etc.); and,

- (c) That Special Duty Officers, as deemed necessary, by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
- 4.
 - (a) That the guidelines for the Hamilton Arts Award as outlined in "Appendix B", attached hereto, be approved; and,
 - (b) That the Director of the Department of Culture and Recreation be requested to include the additional funding in the approximate amount of \$2,850 for consideration in the Department's 1997 current budget submission.
- 5. That the Director of Culture and Recreation be authorized to recover \$35 to offset the cost of printing, updating and distributing the Barrier Free Design Standards document from persons and/or organizations who wish to acquire the document for their own use.
- 6.
 - (a) That the Director of Culture and Recreation be authorized to install six 4'x 8' painted wooden murals, for a minimum one-year period, on the fence owned by Ontario Hydro between the Elgin Transformer Station and the eastern side of Beasley Park at an estimated cost of \$1,700 to be financed from Account Nos. CF5200 709441025 and CF5301 709441025; and,
 - (b) That the Director of Culture and Recreation be authorized, on behalf of the City of Hamilton, to execute an agreement with Ontario Hydro which acknowledges that Ontario Hydro accepts no responsibility or liability for damage or personal injury resulting from the Beasley Park murals being attached to their fence.
- 7.
 - (a) That the City of Hamilton, join with Versa Services Ltd., Grey Cup 1996 Hamilton Inc. and The Canadian Football League in an application for a Special Occasion Permit for Ivor Wynne Stadium to serve beer at the Stadium on 1996 November 24; and,

1996 October 29

- (b) That the City of Hamilton approves of the application of Versa Services Ltd. of Etobicoke, the Corporation of the City of Hamilton, the Canadian Football League, and Grey Cup 1996 Hamilton Inc. as joint licensees for a liquor sales licence to permit sales from kiosks, but not direct sales in the grandstand at Ivor Wynne Stadium, for the 1996 Grey Cup November 24; and,
- (c) That Versa Services Ltd., The Canadian Football League or Grey Cup 1996 Hamilton Inc. provide the City with an Insurance Certificate acceptable to the City Solicitor, indicating General Liability and Liquor Liability Insurance in the amount of \$10 million and naming the City as an Additional Insured.

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1996 October 22

Appendix "A" as referred to
Section 1 of the FOURTEENTH
Report of the Parks and Recreation
Committee for 1996

**Chedoke Winter Sports Park
1996/97 Advertising Opportunities**

Proposed Rates:

Major Advertising Opportunities:

6' by 4' Advertising Signage - \$1,500

Minor Advertising Opportunities: (located on Tow Towers)

3' by 2' Advertising Signage - \$750

Season: 10.5 weeks

1996 December 18 - 1997 March 2

Appendix "B" as referred to in
Section 4 of the FOURTEENTH
Report of the Parks and Recreation
Committee for 1996

Guidelines for the 1997 Hamilton Arts Award

1.0 Arts History/Archives

In order to recognize and compile a heritage history for the arts in Hamilton; a record which will be available to scholars, students and future generations:

- 1.1 Establish a detailed data base on all winners of the award.
- 1.2 Commission a professional photographer to provide a framed portrait of each year's winner.
- 1.3 Produce the information thus gathered in a booklet form, to be published periodically.

2.0 Recognition - Certificates of Recognition

2.1 Establish a certificate programme to acknowledge the broad spectrum of the FINE ARTS and CULTURAL INDUSTRIES in Hamilton and their significant contributions to the community. To be considered are the following categories which may or may not be recognized in any given year, at the discretion of the committee:

- a) up to three sponsors/partners within the business community each year
- b) significant donations of artwork to institutions within the City, as well as to the City itself in the nature of art for public places
- c) innovative directions and joint ventures taken to support the development of the City's arts community
- d) outstanding arts contributions to the City made by organizations and/or visual, literary, musical and performing artists.

2.2 Present the certificates in conjunction with the Hamilton Arts Award ceremony.

3.0 Process

- 3.1 The **Call for Nominations** shall be advertised in the Spectator and Artsbeat, on Cable 14, CHCH, radio stations, at the Boards of Education and other major educational institutions, as well as be sent to the boards of directors of Hamilton's arts organizations. This list is to be reviewed/updated on a regular basis.

3.2 Nomination packages shall consist of:

- the completed nomination form
- a current curriculum vitae of the nominee
- any available copies of other forms of public recognition
- three additional letters of endorsement.

3.3 These nominations may be made by **an individual or an organization**.

PLEASE NOTE: Members of the Arts Advisory Commission itself are not eligible for the award. The Commission is the selection body.

3.4 Nomination forms must be received by the published deadline.

3.5 The award presentation shall be scheduled to occur at approximately the same time each year, ideally to coincide with the close of the programming season in June.

4.0 Criteria

4.1 All nominees shall have a documented history of volunteer work in the community.

4.2 The nature of the professional artistic work of the nominees shall demonstrate excellence and recognized achievements, as well as long-standing dedication to Hamilton's arts community.

5.0 Awards

5.1 The specially-designed bronze medallion, made by the artist Dora DePedery Hunt, shall be engraved on the reverse with the winner's name.

5.2 There shall be presented to the award recipient a cheque in the amount of five hundred dollars.

5.3 All nominees shall receive specially-designed certificates of recognition.

6.0 Presentation

6.1 A sub-committee of the Arts Advisory Commission shall be struck to orchestrate the awards presentation events. The mandate of this sub-committee shall include the consistent purpose of raising the status of this celebration to an ever higher level, with the objective in mind of a self-supporting gala evening.

6.2 Parks and Recreation Committee and City Council shall be informed that a winner's name has been selected.

6.3 There shall be an annual award ceremony consisting of two parts:
a) at a special **presentation event**, and

- b) at a meeting of City Council.
- 6.4 The event itself shall include, if applicable:
 - a) the announcement of the winner
 - b) special recognition certificates to the business community
 - c) certificate of recognition to each nominee.
- 6.5 The guest list is to include:
 - a) elected officials
 - b) Arts Advisory Commission
 - c) cultural employees, nominees, guests, nominators, relevant organizations
 - d) invited guests.
- 6.6 Advance public information about the event shall announce the names of the nominees and also urge attendance at the event.
- 6.7 The location of the event shall, as much as possible, remain consistent from year to year in a public location such as the Piano Nobile Lounge at Hamilton Place.
- 6.8 At the City Council meeting following this event, the winner and all nominees shall be recognized, followed by a small reception at City Hall for the winner, nominees, families, friends, Arts Commission, and representatives of arts organizations with which the nominees are affiliated.

7.0 Name of the Award

- 7.1 A new name for the award shall be considered.
-

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1996 and respectfully recommends:

1. That Application CD-96-011 under the Rental Housing Protection Act, 977340 Ontario Ltd. (Richard Edwards), owner, for conversion of 25 rental row house units to condominium units for the property located at 1088-1120 Garth Street and 101-117 Bonaventure Drive, as shown on the attached key map, be approved on the following conditions:
 - (a) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:
 - (i) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;
 - (ii) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval;
 - (iii) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - (iv) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 - (iv) that such leases shall commence no later than the date the Rental Housing Protection Act Approval Agreement with the City is registered on title; and,
 - (v) that the Tenants may terminate the said lease at any time on 60 days written notice, without penalty.

- (b) That the Owner grant to the Tenants residing at the premises as of the date of Council approval of the RHPA application an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;
- (c)
 - (i) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,
 - (ii) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,
 - (iii) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.
- (d) That this RHPA approval shall cease and be at an end,
 - (i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;
- (f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- (g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

1996 October 29

- (h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

- 2.
 - (a) That the Master Plan for Ferguson Avenue (as distributed to Members of Council under separate cover and labelled Appendix "C") be adopted;
 - (b) That the Capital Works for the portion of Ferguson Avenue between King Street and King William Street be forwarded for inclusion and consideration in the 1997-2006 Capital Budget;
 - (c) That staff of the Planning and Development Department be directed to prepare the Official Plan Amendment to establish Ferguson Avenue as a Special Policy Area to the Official Plan;
 - (d) That the proposed changes to the Corktown Neighbourhood Plan be referred to the Corktown Neighbourhood Plan Advisory Committee; and,
 - (e) That the Staff report dated 1996 October 16 be appended to the Ferguson Avenue Master Plan for implementation.
- 3.
 - (a) That a Downtown Hamilton Community Improvement Project Area be designated as per the attached Appendix "D"; and,
 - (b) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
 - (c) That the Downtown Hamilton Community Improvement Plan attached as Appendix "E" be adopted, in order to implement the Hamilton Downtown Convert/Renovation-to-Rent Loan Program as well as refund zoning, building permit, building permit, site plan and parkland dedication fees; and,
 - (d) That the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (e) That the City Solicitor be authorized to prepare the requisite By-law for (c) above.
- 4. That the Albion Falls Neighbourhood Plan be approved as amended by the attached Proposed Plan (attached hereto as Appendix "F") and associated special policies.

5. That the City Solicitor be authorized and directed to prepare an amendment to By-law 93-167 to authorize permits and fees by adding Item 1(a) to Schedule "A", as follows:
 - 1(a) permit for the construction of barrier-free access in existing single and two family dwellings \$0.
6. That the appropriate City Staff be authorized to defend the position taken by the Committee of Adjustment with respect to Application No. A-96:207 for Ivor Wynn Stadium.
7.
 - (a) That the request by Sergio Manchia, on behalf of DiCenzo Construction, to delete the 9.0 m walkway, shown as Block 40 on the Draft Approved Plan of Subdivision attached as Appendix "G", Regional File No. 25T-89037, be approved and that the conditions of draft plan approval, as requested by the City of Hamilton, be revised as follows:
 - (i) That condition (a) be amended accordingly to delete reference to Block 40, the 9.0m wide walkway;
 - (ii) That condition (b) be amended accordingly to delete reference to the public walkway;
 - (ii) That condition (h) be deleted in its entirety;
 - (b) That the approved Falkirk East Neighbourhood Plan be amended to remove the walkway located between the extension of Sundown Drive and the adjacent high school; and,
 - (c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
8.
 - (a) That By-law No. 95-045 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following names:

Edith Desmairs	Gregory's Flower Shop
Gerald Carrey	Howard's Flower Shop
Michael Keir	Surplus Plus Discount Store

1996 October 29

and add the following:

Mary Keir
Dan Kwiatkowski

Surplus Plus Discount Store
Beach Road Meats

- (b) That the City Solicitor be authorized and directed to amend By-law No. 95-045 pursuant to (a) above.
- 9. That the Building Commissioner be authorized to issue a demolition permit for 11 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 10. That the Building Commissioner be authorized to issue a demolition permit for 171 Glow Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 11. (a) (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Derek Scanlin, carrying on business as Barton Bubbles, for improvements to 363 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- (b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Derek Scanlin, carrying on business as Barton Bubbles, exterior storefront improvements to 363 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 12. (a) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements on Lots 1 - 19, inclusive, located in "Allison Estates - Phase 1, Stage 2", as shown on the

attached map marked as Appendix "H";

- (b) That the appropriate by-law to remove part lot control from Lots 1 to 19 inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, be enacted by Council; and,
 - (c) That following the enactment of the by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.
- 13. That the City of Hamilton accept the sum of \$30,000.00 as cash payment in lieu of 5% land dedication in connection with "San Lorenzo Heights - Phase 2", Hamilton, this being the cash payment required under Section 51 of the Planning Act.
- 14. That Item Four of the Fourteenth Report of the Planning and Development Committee, as adopted by City Council on September 24, 1996, respecting the removal of the administrative direction associated with the former site plan control condition for ZA-96-07 988 Upper Paradise Road, be amended to delete Subsection (vi).
- 15.
 - (a) That the report of the Conservation Review Board hearing held 1996 May 9 recommending the designation of the Lister Block at 28-44 James Street North/5-21 King William Street, be adopted, and that the property as outlined in the Reasons for Designation attached hereto and marked as Appendix "I", be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,
 - (b) That the appropriate By-law designating the property at 28-44 James Street North/5-21 King William Street be adopted; and,
 - (c) That the Mayor be requested to send a letter to the Historic Sites and Monuments Board of Canada requesting that the Lister Block, located at 28-44 James Street North/5-21 King William Street, be evaluated for recognition as a National Historic Site.
- 16. That a Heritage Permit be approved for two generic letter signs to read "NEWSSTAND & PARCEL CHECK" and "PARCEL CHECK" to be installed on the bulkheads over the roll-down metal doors in the south-west and south-east corners of the concourse of the Hamilton GO Centre located at 36 Hunter Street East, Hamilton.

1996 October 29

17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-60 A By-law to Amend Zoning By-Law No. 6593 Respecting Lands Located West of Upper Paradise Road, South of Stone Church Road West and North of Rymal Road, known municipally as 988 Upper Paradise Road; and,
 - (b) C-61 A By-law to Remove Land within the "Allison Estates - Phase I, Stage 2" Subdivision, Plan 62M-795 from Part Lot Control; and,
 - (c) C-62 A By-law to Designate Land Located at Municipal Nos. 28-44 James Street North/5-21 King William Street (Lister Block) as Property of Historic and Architectural Value and Interest.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 October 23**

1996 October 29

APPENDIX "A"

LIST OF UNITS BY ADDRESS AND APPLICABLE MONTHLY RENT

Unit 1
1088 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 2
1090 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$731.44

Unit 3
1092 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$720.00

Unit 4
1094 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$727.34

Unit 5
1096 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$765.88

Unit 6
1098 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 7
1102 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$754.30

Unit 8
1104 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$709.00

Unit 9
1106 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 10
1108 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

1996 October 29

Unit 11
1110 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$774.09

Unit 13
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 15
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$759.32

Unit 17
115 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$790.00

Unit 19
111 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$736.35

Unit 21
107 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 12
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 14
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$715.03

Unit 16
117 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 18
113 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 20
109 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$721.65

Unit 22
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$805.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

1996 October 29

Unit 23
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$750.00

Unit 24
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$765.88

Unit 25
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$733.12

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

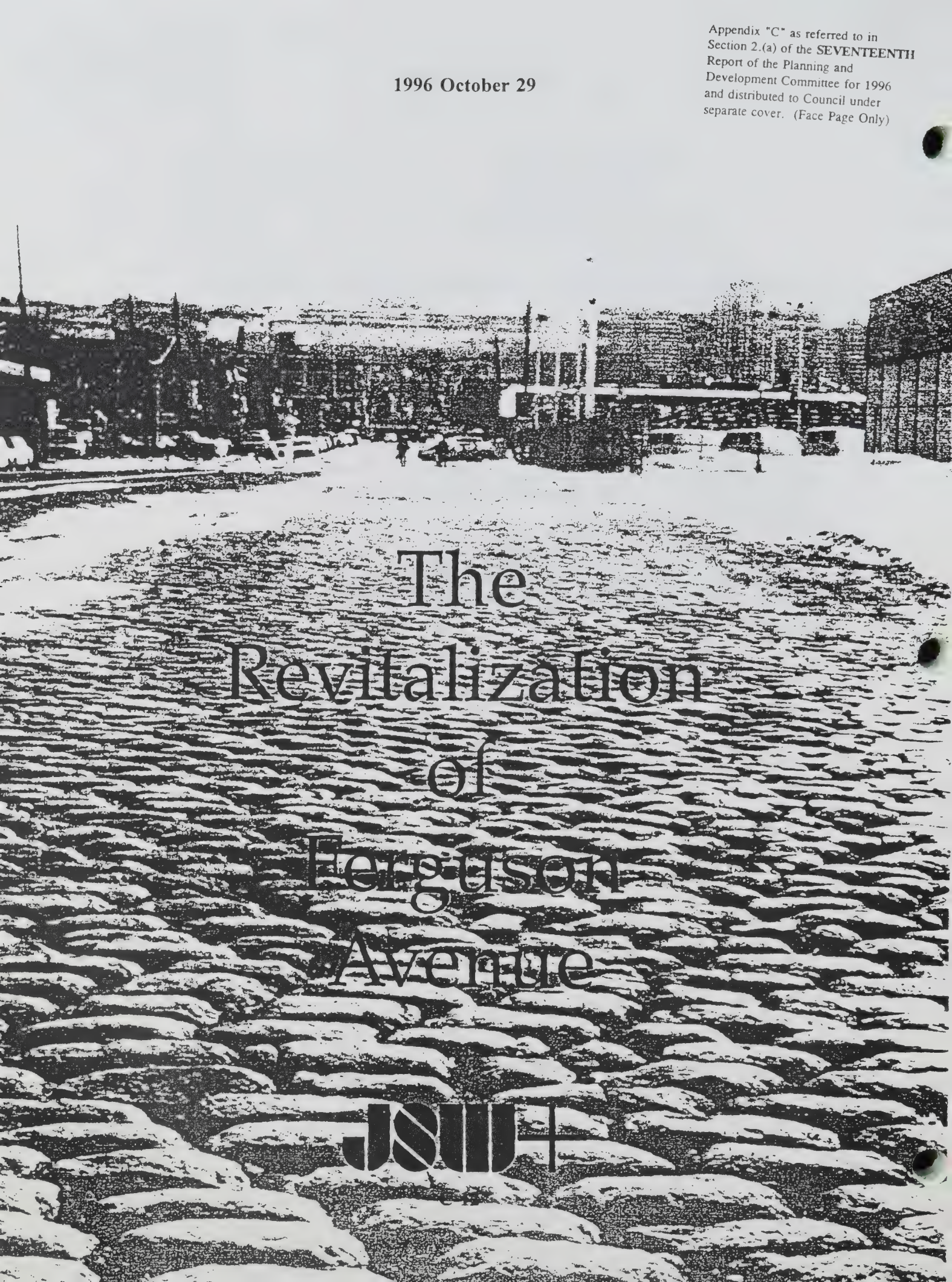
APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to the Option to Lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

1996 October 29

Appendix "C" as referred to in
Section 2.(a) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996
and distributed to Council under
separate cover. (Face Page Only)



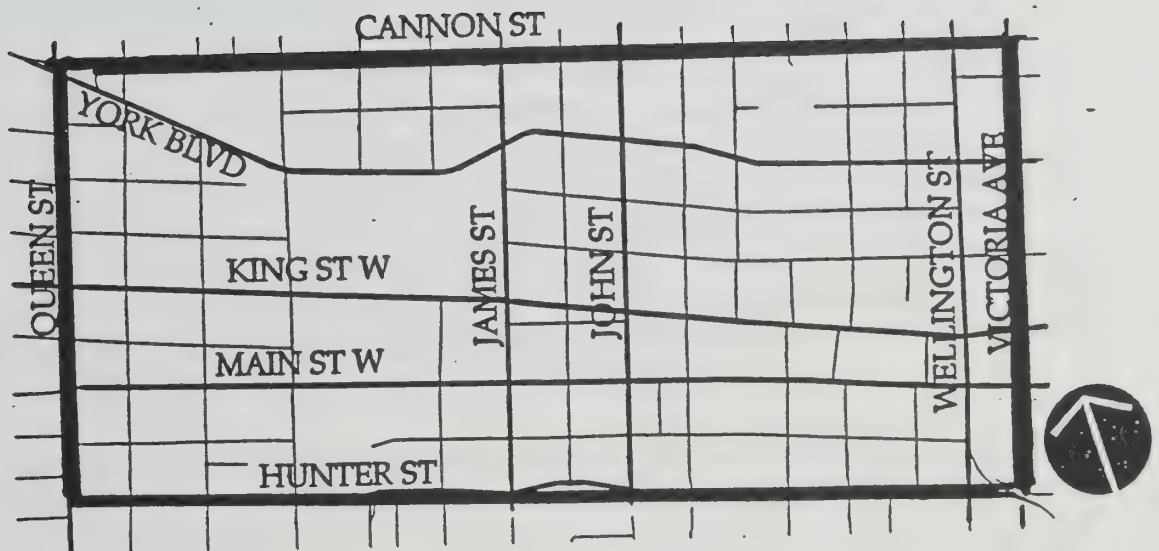
The Revitalization of Ferguson Avenue

JSU

1996 October 29

Appendix "D" as referred to in
Section 3.(a) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996.

DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA



(Bounded northerly by Cannon Street, southerly by Hunter Street,
westerly by Queen Street and easterly by Victoria Avenue).

1996 October 29

Appendix "E" referred to in
Section 3(c) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1996 October 16

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of \$500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

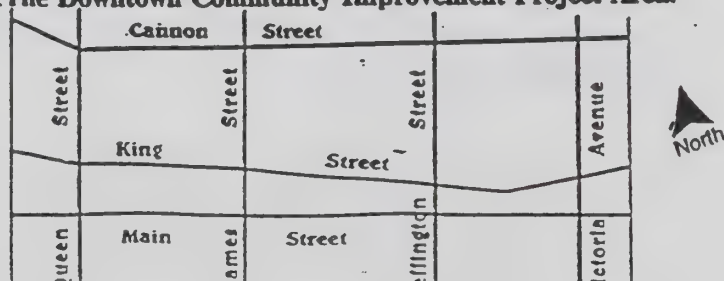
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

FIGURE 1. The Downtown Community Improvement Project Area:



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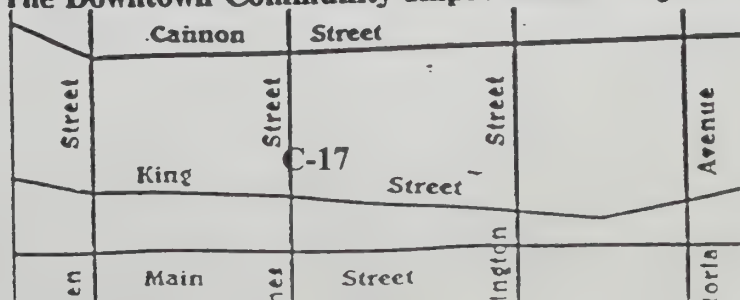
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FIGURE 1. The Downtown Community Improvement Project Area:



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

"That the downtown be a community where people wish to live, work and visit".

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) **Those People Who Live in Downtown**

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirements and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

4. GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN

The goals of the Downtown Hamilton Community Improvement Plan are:

- a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;
- b) to encourage the preservation and enhancement of significant heritage resources;
- c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;
- d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,
- e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

5. OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

The objectives of the Downtown Hamilton Community Improvement Plan are:

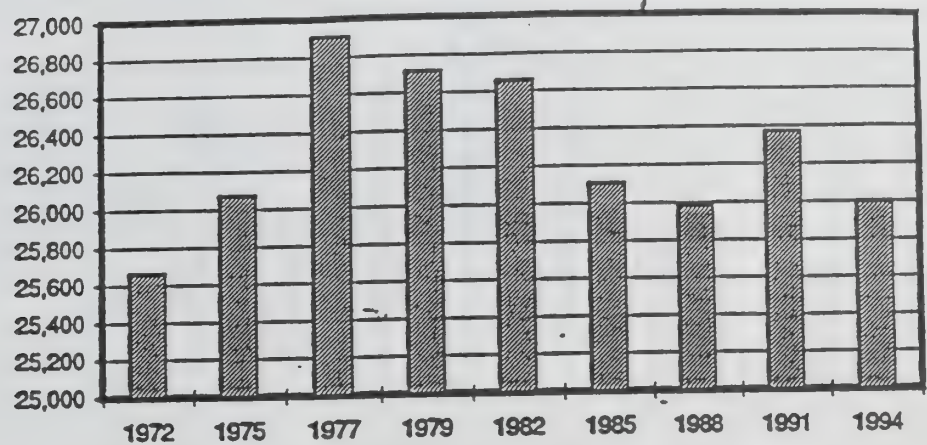
- a) to promote the long-term stability and viability of the Downtown;
- b) to encourage the co-ordination of municipal expenditures and planning and development activity;
- c) to stimulate private property maintenance and reinvestment activity;
- d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;
- e) to upgrade physical services and social and recreation facilities; and,
- f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

6. THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

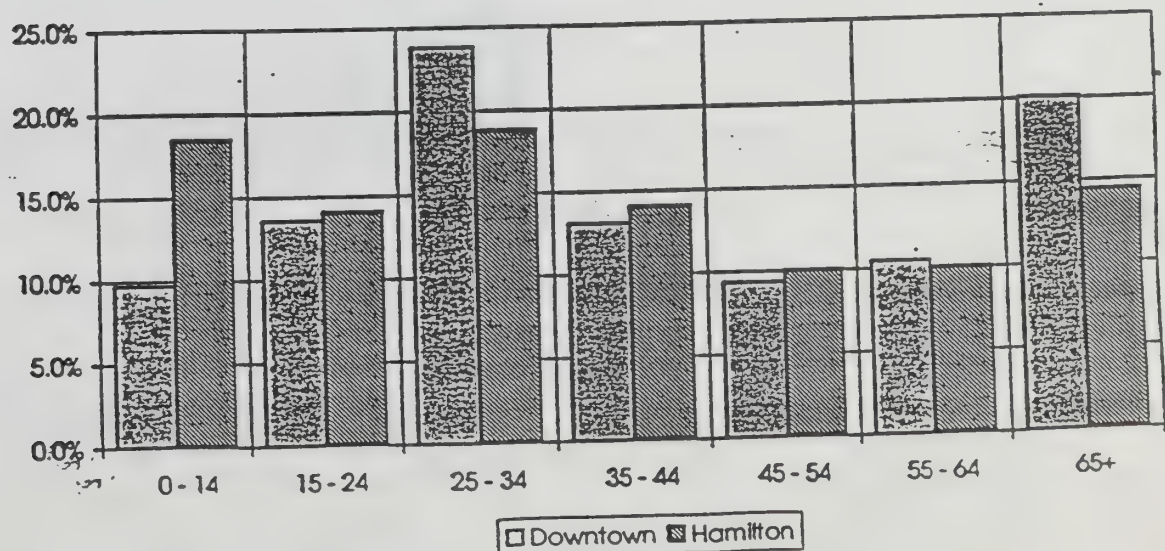
1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.

Population In Downtown Hamilton



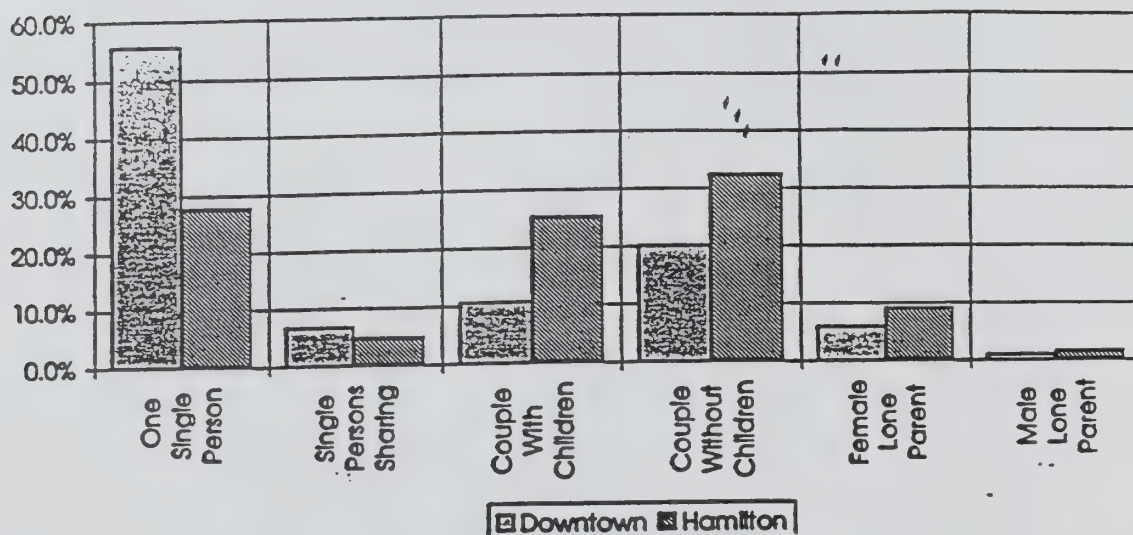
2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.

Age Distribution of Population, 1991



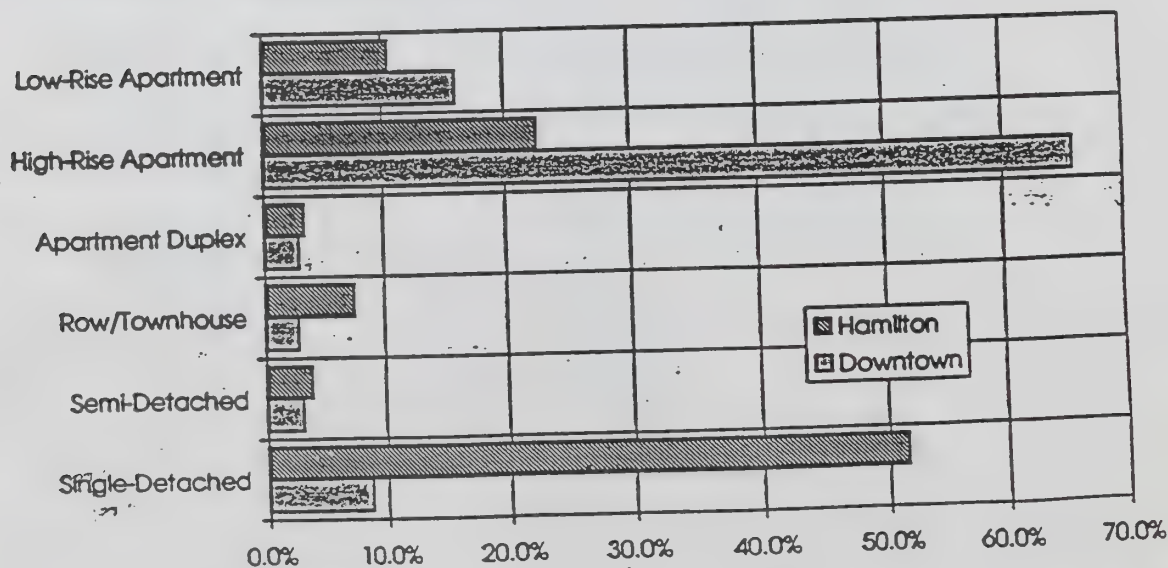
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.

Distribution of Households by Type, 1991



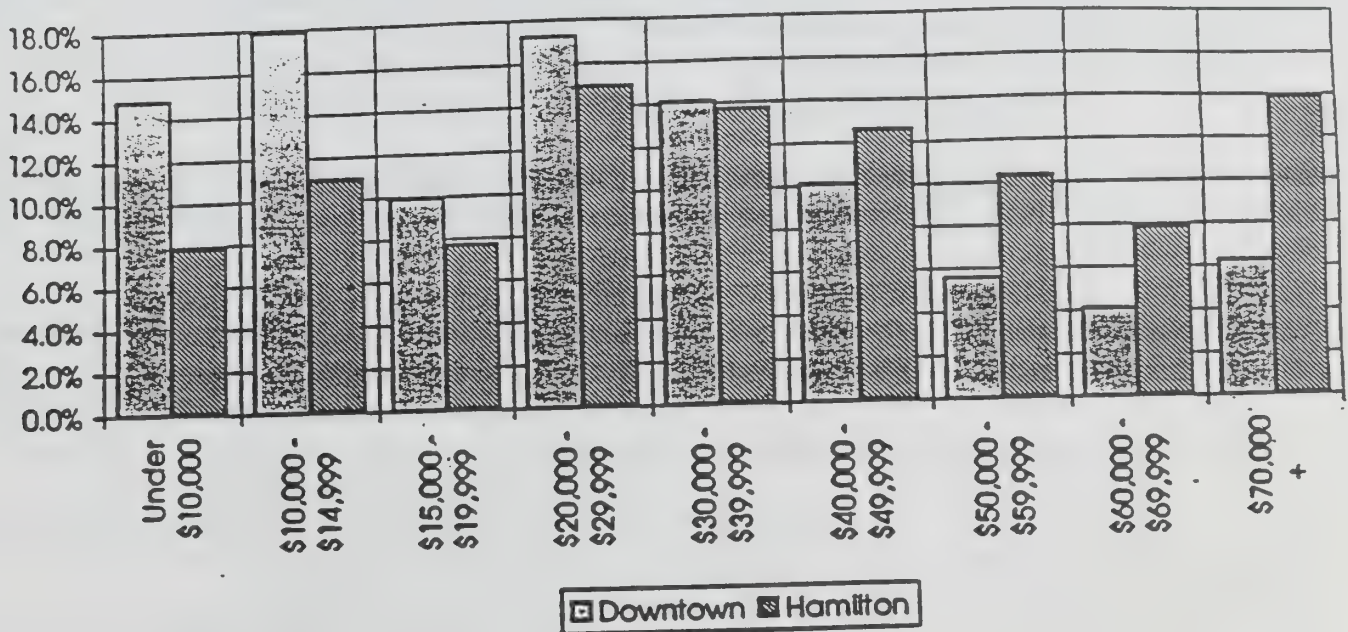
4. There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.

Distribution of Households by Dwelling Type, 1991



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lower proportion of higher income households. The average household income (1990) for Downtown households was recorded at \$31,228. compared to \$41,232. for the City of Hamilton.

Distribution of Households by 1990 Income



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

- 4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

- 3.1.1.3 Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.
- 3.1.1.4 Maintain the Regional Administrative Offices in the Regional Centre.
- 3.1.1.5 Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).
- 3.1.6.1 Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.
- 3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.
- 3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.
- 4.3.2.3 Plan and operate the urban transit system, so that:

- a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.

- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) **Central Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) **Beasley Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) Corktown Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly "Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) Durand Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- | | |
|------------------------|------------------------------------|
| - Pigott Building | - Landed Banking Loan Co. Building |
| - Sun Life Building | - Victoria Hall |
| - Right House Building | - Hamilton Courthouse |

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
Commercial - office; retail; etc.; combined with residential, separate access
Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
Commercial - wide range of retail; office; other; some light industrial
Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
Public & Commercial - Almost any use
Light & Limited Industrial - uses such as food; mfg.;
metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) Site Plan Control

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) Planning Issues

i) Buildings and Open Spaces

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) Design

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) Limited Greenspace

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the green park environment is often surrounded by a wall

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of \$15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of \$10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) The Convert/Renovate-to-Rent Program

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) Attract key "niche" retailers

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) Prepare Plans for Renovation of Key Vacant Buildings

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) Improve Fibre-optic Opportunities in the Downtown

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) Canadian Society of Association Executive Convention in Hamilton

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

s) Engage a Downtown Co-ordinator

Examine the possibility of hiring a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources.

t) Include Funding for Initiatives in Current and Capital Budgets

Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated.

u) Financial Assistance To Property Owners

Investigate and if feasible implement, financial assistance programs to property owners such as Heritage grants/loans for rehabilitation of historically significant buildings within the CIPA.

v) Increase in Assessment Rebate Program

Investigate the potential of implementing a rebate program for property owners who improve their properties thereby increasing the property's assessment. If the potential for the program is feasible implement the Program.

w) Bus Shelters in Gore Park

Monitor the bus shelter issue in Gore Park.

x) Garbage Containers in Alleyways

Modify the design of the garbage containers in the back alleyways and produce a prototype of the design to determine whether the difficulties encountered through garbage collection is addressed. Continue to work with the B.I.A.'s to address the concerns.

y) Improve Media Relations

Establish a rapport with the local media. Feed the media with news on the downtown and celebrate successes.

z) Perimeter Road

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) Examination of Non-Resident Library Fees

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) Pedestrian Improvement

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) Murals for the B.I.A.'s.

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) Grey Cup Festivities

Approach the owners of empty storefronts to obtain permission to use the window area for displays. Install Grey Cup banners and Canadian flags. Create a mural that is free standing on public property in front of abandoned property. Install lighting in street trees and flood lighting for significant buildings.

ee) Mustard Festival

Implement festivals in the Downtown such as an Annual Mustard Festival.

ff) Sustainable Development Day

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

gg) Ferguson Avenue Redevelopment

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

hh) Hughson Street

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

ii) Gore Park Heritage Study

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

jj) Downtown Demographic Analysis

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

kk) Research Downtown Initiatives in Other Communities

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

ll) Traffic Calming Initiatives

As part of a transportation review investigate traffic calming initiatives.

mm) Improve Safety and Security Initiatives

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

nn) **Hamilton/Halton Homebuilders Agreement**

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. **CONCLUSION**

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendix to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

- (a) Lender: The Corporation of the City of Hamilton
- (b) Duration of Loan Program: Until terminated by City Council
- (c) Initial Loan Capital: \$180,000. - City funds
Additional Loan Capital: \$180,000. - Region funds
- (d) Loan Interest Rate: Zero interest
Interest on Arrears: 6% per annum compounded annually
- (e) Maximum Loan Term: Ten years (subject to prior termination on default)
Principal repayable in monthly amounts over 120 months
- (f) Maximum Loan: The lesser of cost or \$12,000. per apartment unit with a maximum of \$48,000. loan per property;
- (g) Purpose of Loan: Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code
The existing apartments must be in commercial buildings;
- (h) Security: Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
- (i) Minimum Equity Requirement: Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
- (j) Realty Taxes: In good standing at all times
- (k) Eligible Costs: All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
- (l) Sale or Refinancing of Property: Loan due in full;
- (m) Revolving Loan Account: Loan repayments to be credited to loan program account for re-lending;
- (n) Except as provided above, subject to City's usual lending criteria.

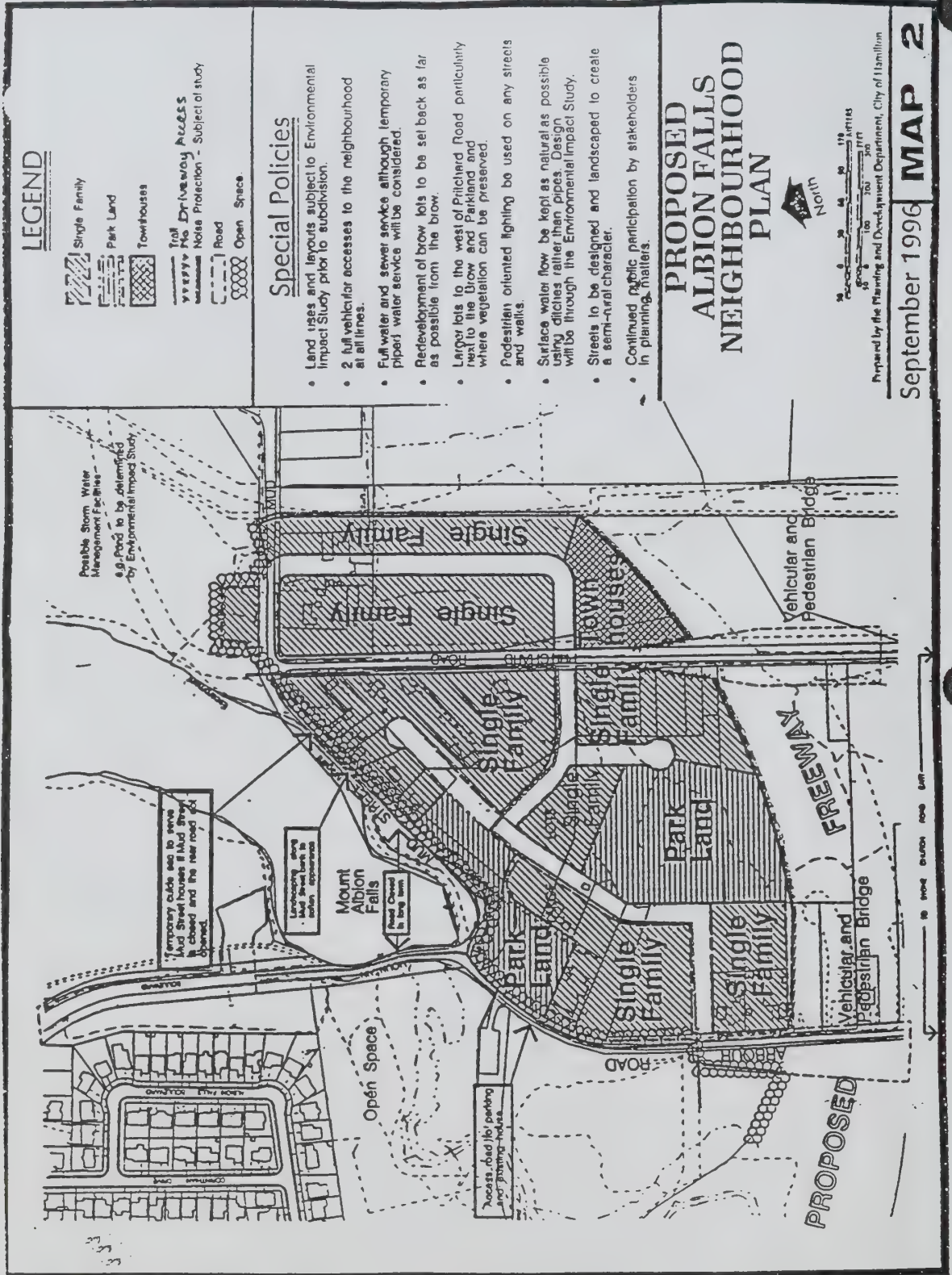
APPENDIX B

Downtown Savings

Before Downtown Initiatives		After Downtown Initiatives
Development Charges Commercial - City	\$ 0.00	\$ 0.00
Commercial - Region	\$2.64 / ft ²	\$ 0.00
Residential - City	single, semi or row - \$1,565.44 2 or more bedroom apt. - \$894.54 1 bedroom apt. - \$447.27	\$ 0.00 \$ 0.00 \$ 0.00
Residential - Region	single family - \$5,113.00 multiple family - \$3,798.00 apartment - \$2,191.00	\$ 0.00 \$ 0.00 \$ 0.00
Fees *		
Official Plan Amendment	\$1,730.00	\$ 0.00
Zoning By-Law Amendment	\$1,730.00	\$ 0.00
Minor Variance (1 or 2 family dwelling)	\$250.00	\$ 0.00
Minor Variance (all others)	\$400.00	\$ 0.00
Building Permits	\$150.00 for 1st \$10,000.00 of estimated construction value + \$9.00 each additional \$1,000.00	\$ 0.00
Site Plan Application	\$1,020.00	\$ 0.00
Revision of Approved Site Plan	\$410.00	\$ 0.00
5% Parkland Dedication	5% or cash equivalent	0 % or \$ 0.00, if building permit is issued by Sept. 1 1999
Public Parking in the Downtown (designated lots only)	\$0.80/hr - \$1.60/hr	\$ 0.00 (Thursday & Friday evenings & all day Saturday)
Parking Requirements Residential	0.8 spaces per class A dwelling unit	0 spaces for renovations/conversions 0 spaces for new construction
Lot Area Requirements for Multiple Dwellings In "1 st " Districts	"1 st " District - 65m ² (699.68 square feet) lot area per dwelling unit	gross floor area not to exceed 2.85 times the area of the lot

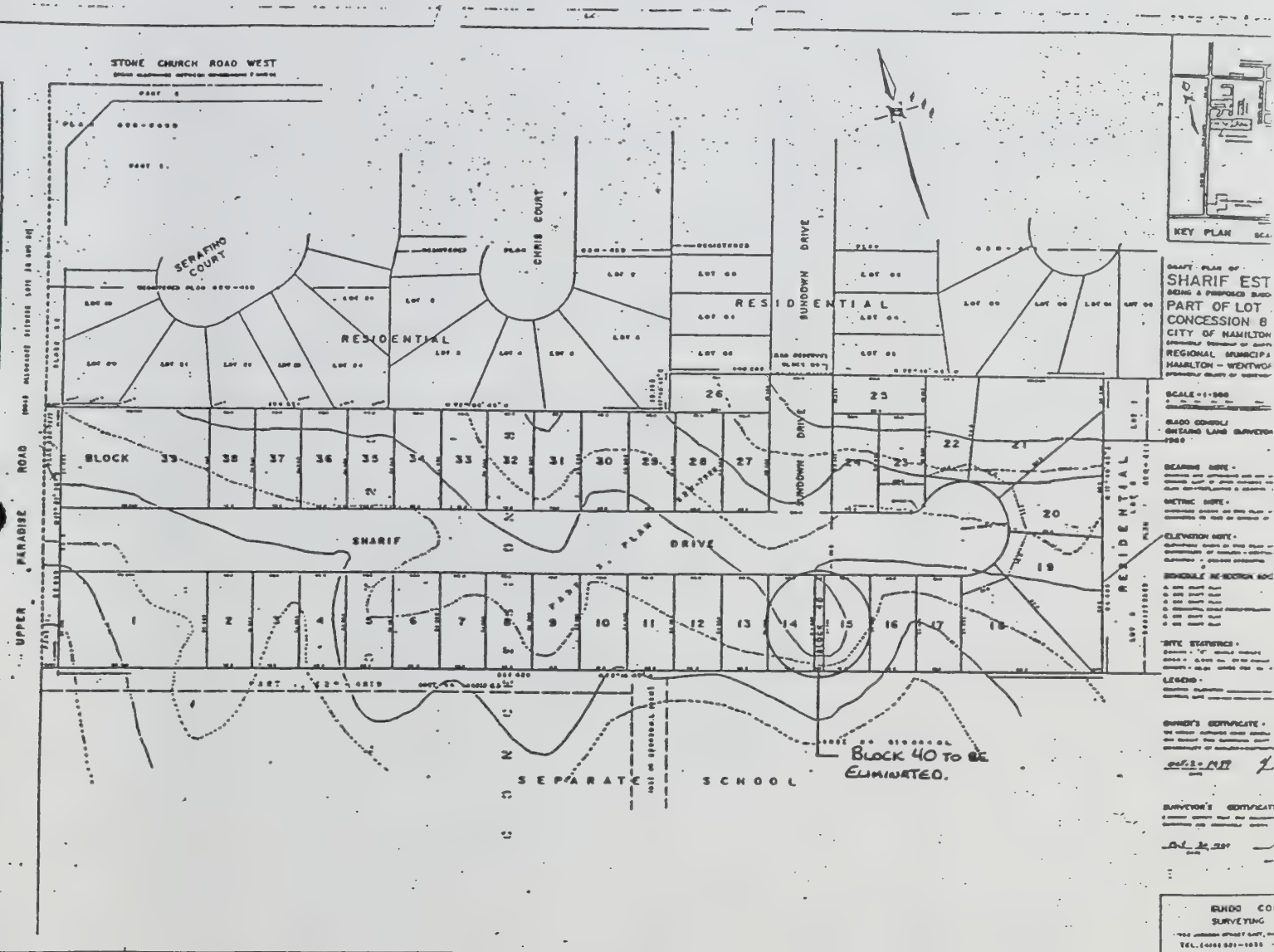
* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.

1996 October 29

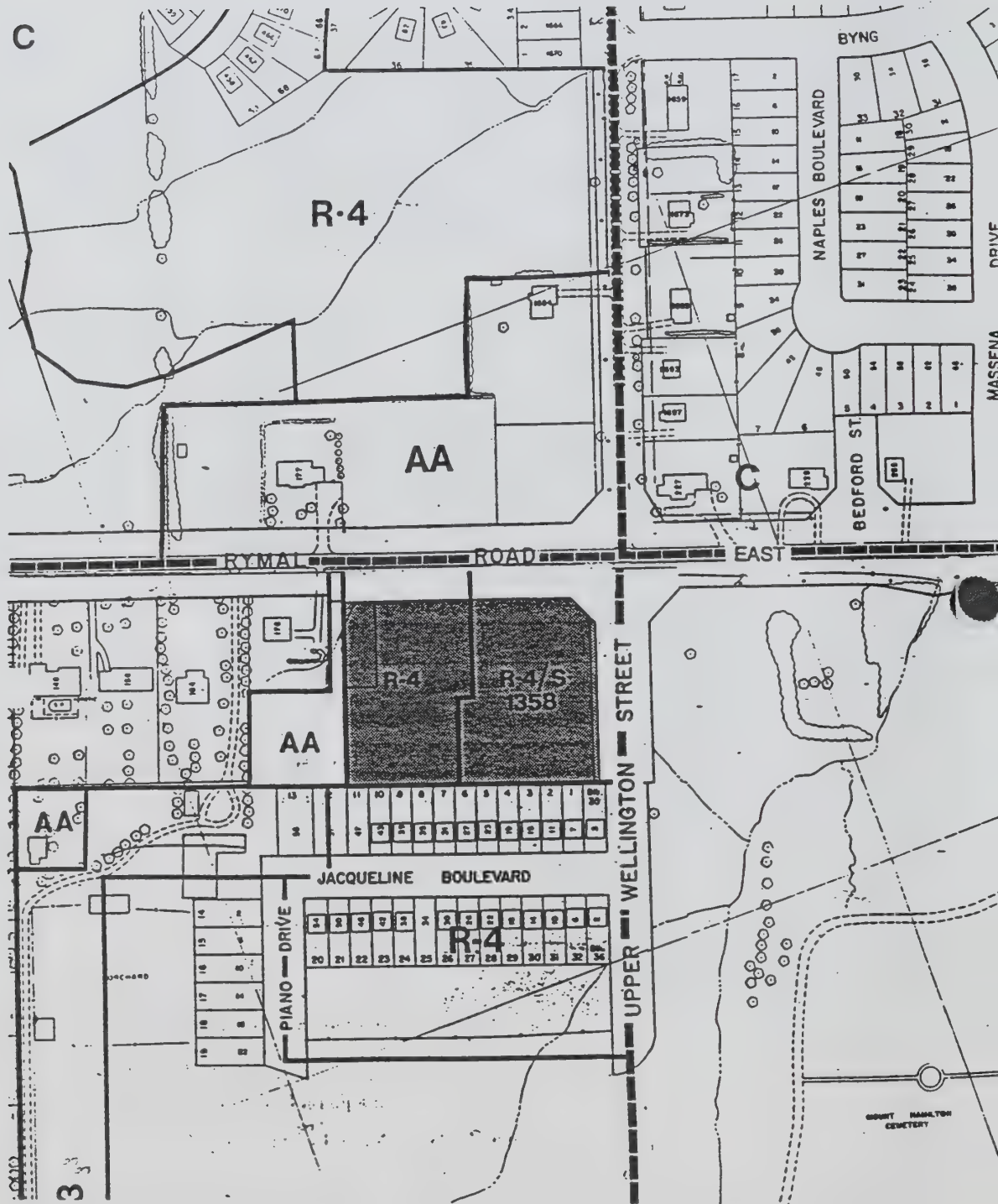


1996 October 29

Appendix "G" referred to in
Section 7.(a) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996.



1996 October 29



Legend



Site of the Application

C-44



APPENDIX A

1996 October 29

Appendix "A"

REASONS FOR DESIGNATION

Lister Block

28-44 James Street North / 5-21 King William Street

Context

The imposing six-storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north-east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four- and six-storey T. Eaton Co. department store (1916/20) to the north-west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six- and eight-bay street elevations, with entrances provided to the L-shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long-term association with the Lister family, dating back to the 1850s when the original four-storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six-storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up-to-date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two-level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service-oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid-1970s. Long-standing tenants included the Tait-Gibson Optical House at #44, one of the first and last occupants; the former White Grill Restaurant at #40 for over forty years; and the Anne Foster Music Shop located at #36 from 1942 until 1995, when the building was closed.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic-inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire-proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre-modern tall buildings, such as the Royal Connaught Hotel (1916), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high-quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra-cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra-cotta entablature similar in design to the lower one, but more elaborate.

The L-shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate-glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and square skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact, and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two corner pilasters. Only the former music shop front at #36 still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

- the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra-cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;
- the two-level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and skylights (excluding the recent bubble domes).

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1996 and respectfully recommends:

1. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 5, dated 1996 October 9, covering the period between 1996 April 1 to 1999 March 31 be approved and implemented in accordance with the terms therein.
2.
 - (a) That the City resolve Ontario Court (General Division) Action # 6745/94 by the payment to the Plaintiffs, Gail and Anthony Connelly, of the sum of \$6,000 including all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 6745/94 be dismissed without costs.
3.
 - (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of the following property to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

53 Glamis Crt.
 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

4.
 - (a) That the 1997 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1997 January 6 (due to the Christmas closure of City Hall December 25 - January 1 inclusive) for the General Grant Applications; and,
 - (b) That the process for reviewing and approving all 1997 General Grant Applications be consistent with that used in 1996, with the Committee of the Whole considering the General Grants within a month after the 1997 Current Budget is approved.
5. That the Minister of Health be petitioned to include public representation on the Board for the newly formed Hamilton Health Sciences Corporation by appointing to the Board: the Mayor of the City of Hamilton or designate; one other member of Hamilton City Council; the Regional Chairman of the Region of Hamilton-Wentworth or designate; and one other member of Regional Council.
6.
 - (a) That approval be given to the acquisition of the lands situated in the City of Hamilton, being composed of Lots 428 and 429, Registered Plan 584, with a frontage of 15.24 metres (50.0 feet), more or less, by a depth of 30.48 metres (100.0 feet), more or less, municipally known as 571 Kenilworth Avenue North; and,
 - (b) That the City Treasurer be authorized to open a new Capital Project Account in relation to the acquisition of 571 Kenilworth Avenue North, and that this project be financed from the Reserve for Alpha Enclaves, Account Centre No. CH 00116; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.
7.
 - (a) That as referred to in Sub-Section (d) of Section 1 of the Sixth Report for 1996 of the Committee of the Whole, approved by City Council at its meeting held Tuesday, 1996 October 8th, that the City Treasurer be authorized to set up a 1997 Downtown Current Budget for Downtown Development - Preliminary Concept Plan by the Hamilton-Halton Home Builders' Association at a cost of \$90,000, and that the \$90,000 be financed within the Budget from the Reserve for Contingency, Account Centre No. CH 00115; and,
 - (b) That an expenditure amount up to \$4,000 be authorized as the City's equal cost shared portion with the Region for the completion of Phase 1 to undertake the Preliminary Investigation and Proposed Development; and,

- (c) That prior to any further funds being dispersed, the Hamilton-Halton Home Builders' Association report back to the Committee of the Whole with more detail on the expenditures to be undertaken in Phase 2 "Coordination Phase".
- 8.
- (a) That an Agreement by Owner to Accept Compensation, executed by Grace Gordon, Estate Trustee for the Estate of Pearl Edith Byrnes, deceased, (Pearl Edith Byrnes being one and the same person as Perry Byrnes), on 1996 September 18 and to be completed on or before 1996 November 6, for the tenant's interest in the lands then municipally known as 47-51 King Street West (10 MacNab Street South, Room 207), more particularly described as Part 173 on Expropriation Plan No. SS-1006, registered on 1971 May 25 as Instrument No. 205980AB, be approved and completed, and the final compensation of \$4,933 be charged to Account Centre CH 00102 (Reserve for Property Purchase); and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.
- 9.
- (a) That the City of Hamilton confirm that it claims no interest in the property known municipally as 35 Brock Street and 600 John Street North, Hamilton, (pursuant to the covenants in favour of the City as set out in a 1966 deed registered as Instrument No. 18578 A.B.) by quit claiming this property to the current owners; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.
10. That the following policy be adopted and procedures implemented for all properties which vest in the City as a result of tax sale tender under the Municipal Tax Sales Act:
- (a) That where the Treasurer has determined that the accumulated realty taxes, penalties and interest are uncollectible, the Treasurer shall thereafter report to Council:
 - (i) To recommend that such outstanding taxes be struck off the roll. (Municipal Act s. 441); and,
 - (ii) For directions that the Treasurer, upon the striking from the roll of such uncollectible taxes, charge back the Region and Board of Education's proportionate share of the deficiency to the "tax write offs" account to recover the deficiency amount previously credited to these bodies; and,

- (b) That the City's share of the uncollected taxes and any other additional costs, such as snow and weed removal, will be charged to the Reserve for Property Purchases; and,
 - (c) That the City shall immediately initiate a tax appeal with the Provincial Assessment Office in respect of the vested properties to reflect the City's exempt status which will eliminate further taxation levies; and,
 - (d) That the Property Department report to Council on the potential municipal purpose or in the alternative with a recommendation that the properties be declared surplus in accordance with the City's Realty Sales Procedural Bylaw No. 95-049 and be actively marketed; and,
 - (e) That any costs relative to the maintenance, management and upkeep of the properties by the City will be charged to the Reserve for Property Purchases; and,
 - (f) That a detailed accounting of all properties which have vested in the City will be established and maintained separately within the Reserve for Property Purchases.
11. (a) That the Employee Assistance Agreement between the Corporation of the City of Hamilton and Family Services of Hamilton-Wentworth Incorporated be renewed effective 1996 August 13 to 1999 August 16, for a fee of Five Thousand, Six Hundred and Eighty Seven Dollars and Fifty Cents (\$5,687.50) per month, to be funded from Account No. 55429-24001; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the new Agreement on behalf of the City.
12. That the Hamilton Board of Education and the Hamilton-Wentworth Separate School Board be requested to provide the City with a list of nominee recommendations for the City's consideration in appointing School Board representatives to the Hamilton Public Library Board.

13. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-54 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-55 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 October 22**

1996 October 29

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **SEVENTH** Report for 1996 and respectfully recommends:

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1996 October 29

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1996 OCTOBER 29
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED WEST OF UPPER PARADISE ROAD, SOUTH OF
STONE CHURCH ROAD WEST AND NORTH OF RYMAL ROAD,
KNOWN MUNICIPALLY AS 988 UPPER PARADISE ROAD**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, the lands comprised in Block "1"; and
- (b) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the lands comprised in Block "2"

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

2. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands comprised in Block "2" and referred to in section 1.(b), are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 8.5 metres shall be provided and maintained; and,
- (b) notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a minimum width of 15.0 metres and an area of at least 450 square metres within the district; and,

- (c) in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manoeuvring area shall be provided and maintained for each single family dwelling.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2.
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1370.
5. Sheet No. W-37D of the District Maps is amended by marking the lands referred to in section 1.(b) of this by-law, S-1370.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

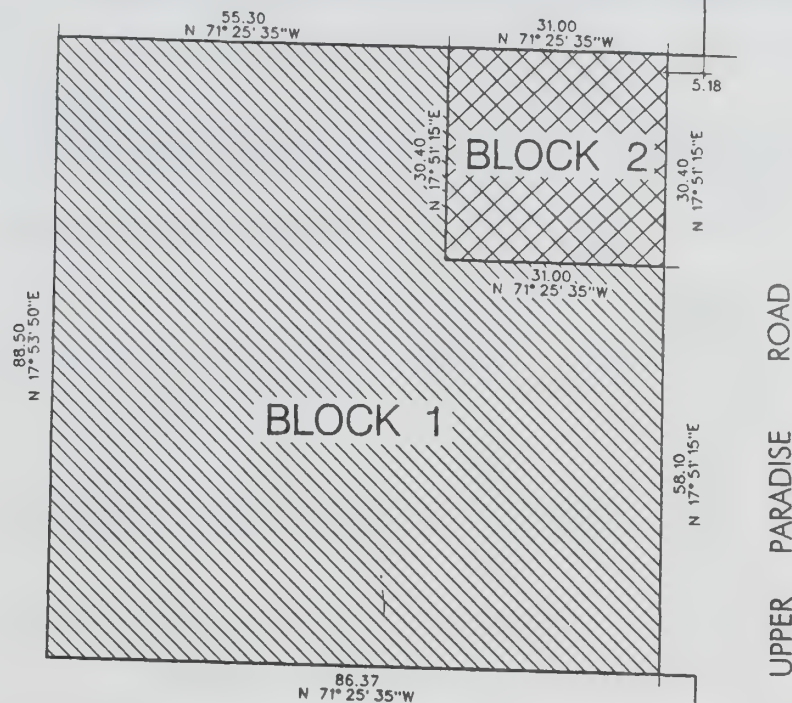
A.D. 1996

CITY CLERK

MAYOR

(1996) 14 R.P.D.C. 4, September 24
Dicon Developments, Owner
Amended ZAC-96-07

STONE CHURCH ROAD WEST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 96-.....
 Passed the day of, 1996.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A
 Map Forming Part of
 By-Law No. 96-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:

BLOCK 1



"AA" (Agricultural) District to: "RT-20"
 (Townhouse-Maisonette) District.

BLOCK 2



"AA" (Agricultural) District to: "C" (Urban
 Protected Residential, etc.) District,
 Modified.

North



Scale
 Not to Scale

Date
 September 1996

Reference File No.
 ZAC-96-07

Drawn By
 R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 96

To Remove
Land within the "Allison Estates - Phase 1, Stage 2" Subdivision, Plan 62M-795
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

Lots 1 to 19 inclusive within Registered Plan Number 62M-795, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on February 1, 1997.

PASSED this day of

A.D. 1996.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

**LAND LOCATED AT MUNICIPAL NOS. 28-44 JAMES STREET NORTH/
5-21 KING WILLIAM STREET (LISTER BLOCK)**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal Nos. 28-44 James Street North/5-21 King William Street and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of

A.D. 1996

CITY CLERK

MAYOR

to

By-law No.

Lister Block

28-44 James Street North / 5-21 King William Street

All of Lot 33, All of Lot 34, Part of Lot 35, Part of Lot 36, Part of Lot 47 and Part of Lot 48

Nathaniel Hughson's Survey

being the block bounded by James, Rebecca, Hughson and King William Streets,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Registry Division of Wentworth

More particularly described as follows:

COMMENCING at the southwestern corner of the said lot number thirty-three (33), being a point in the eastern limit of James Street, where it is intersected by the northern limit of King William Street, the said point of intersection being marked by a cross cut in the concrete sidewalk;

THENCE northerly along the western limits of the said lots numbers thirty-three (33) and forty-eight (48) (being along the eastern limit of James Street), one hundred and thirty-nine and eight one-hundredths feet (139.08') more or less to a point of intersection with the centre line of the wall between the six (6) storey brick building erected upon the herein described parcel of land and known as Municipal Numbers 28 to 44 James Street North, and the three and one-half (3½) storey stone building erected upon the lands adjoining on the north and known as Municipal Number 46 James Street North;

THENCE easterly along the centre line of the said wall sixty-one feet (61.00') more or less to a point in the eastern face of the eastern wall of the said stone building known as Municipal Number 46 James Street North, the said point being distant one hundred and thirty-seven and forty-two one-hundredths feet (137.42') measured southerly parallel with the eastern limit of James Street from the southern limit of Rebecca Street;

THENCE easterly along the centre line of the southern wall of the three storey stone addition erected in the rear of and adjoining the said stone building known as Municipal Number 46 James Street North and the production easterly thereof ninety-four feet (94.00') more or less to a point in the eastern limit of the said lot number forty-seven (47) the said point being distant two feet (2.00') measured northerly along the eastern limit of lot number forty-seven (47) from the southeastern corner thereof, the said point being also distant one hundred and thirty-six and thirty-three one-hundredths feet (136.33') measured southerly along the eastern limit of lot number forty-seven (47), from the southern limit of Rebecca Street;

THENCE southerly along the eastern limit of the aforesaid lot number forty-seven (47) two feet (2.00') to the southeastern corner thereof;

THENCE easterly along the northern limits of the said lots numbers thirty-five (35) and thirty-six (36), one hundred and sixty-two and fifty one-hundredths feet (162.50') more or less to the northeastern corner of the said lot number thirty-six (36), being a point in the western limit of Hughson Street;

THENCE southerly along the eastern limit of the said lot number thirty-six (36) sixty-nine and twenty-one hundredths feet (69.21') more or less to a point measured northerly along the eastern limit of the aforesaid lot number thirty-six (36) from the northern limit of King William Street;

THENCE westerly in a straight line one hundred and sixty-two and fifty one-hundredths feet (162.50') more or less to a point in the western limit of the said lot number thirty-five (35), distant sixty-nine and seventeen one-hundredths feet (69.17') measured northerly along the said limit from the northern limit of King William Street;

HENCE southerly along the western limit of the aforesaid lot number thirty-five (35), sixty-nine and seventeen one-hundredths feet (69.17') to the southwestern corner thereof;

HENCE westerly along the said northern limit of King William Street and being along the southern limits of the said lots numbers thirty-four (34) and thirty-three (33) one hundred and fifty-five feet (155.00') more or less to the point of commencement.

PREVIOUSLY DESCRIBED IN INSTRUMENT No 492891 CD

REASONS FOR DESIGNATION

Lister Block

28–44 James Street North / 5–21 King William Street

Context

The imposing six-storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north-east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four- and six-storey T. Eaton Co. department store (1916/20) to the north-west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six- and eight-bay street elevations, with entrances provided to the L-shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long-term association with the Lister family, dating back to the 1850s when the original four-storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six-storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up-to-date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two-level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service-oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid-1970s. Long-standing tenants included the Tait-Gibson Optical House at #44, one of the first and last occupants; the former White Grill Restaurant at #40 for over forty years; and the Anne Foster Music Shop located at #36 from 1942 until 1995, when the building was closed.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic-inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire-proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre-modern tall buildings, such as the Royal Connaught Hotel (1916), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high-quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra-cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra-cotta entablature similar in design to the lower one, but more elaborate.

The L-shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate-glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and square skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact; and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two corner pilasters. Only the former music shop front at #36 still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

- the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra-cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;
- the two-level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and skylights (excluding the recent bubble domes).

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.96-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1996, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	53 GLAMIS CRT.
	SERIAL NUMBER	08 10330 2938
	BRIEF LEGAL DESCRIPTION	PLAN M126 LOT 4
	DATE OF REGISTRATION	SEPTEMBER 9, 1996
	INST # OF TAX ARREARS CERTIFICATE	LT419329
	REDEMPTION DATE	SEPTEMBER 9, 1997
	TOTAL ARREARS	\$8,999.56

BY-LAW NO. 96 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29TH DAY OF OCTOBER A.D., 1996.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 29th day of October A.D. 1996

CITY CLERK

MAYOR



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